

Volume 33, Number 12
Pages 1127-1216
June 16, 2008

SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

The *Missouri Register* is an official publication of the state of Missouri, under the authority granted to the secretary of state by sections 536.015, RSMo Supp. 2007 and 536.033, RSMo 2000. Reproduction of rules is allowed; however, no reproduction shall bear the name *Missouri Register* or "official" without the express permission of the secretary of state.

The *Missouri Register* is published semi-monthly by

SECRETARY OF STATE

ROBIN CARNAHAN

Administrative Rules Division

James C. Kirkpatrick State Information Center

600 W. Main

Jefferson City, MO 65101

(573) 751-4015

DIRECTOR

WAYLENE W. HILES

•

EDITORS

CURTIS W. TREAT

SALLY L. REID

ASSOCIATE EDITOR

SARAH JORGENSEN

•

PUBLICATION TECHNICIAN

JACQUELINE D. WHITE

•

ADMINISTRATIVE ASSISTANT

LUKE RIEKE

ISSN 0149-2942, USPS 320-630; periodical postage paid at Jefferson City, MO
Subscription fee: \$56.00 per year

POSTMASTER: Send change of address notices and undelivered copies to:

MISSOURI REGISTER

Office of the Secretary of State

Administrative Rules Division

PO Box 1767

Jefferson City, MO 65102

The *Missouri Register* and *Code of State Regulations* (CSR) are now available on the Internet. The Register address is <http://www.sos.mo.gov/adrules/moreg/moreg.asp> and the CSR is <http://www.sos.mo.gov/adrules/csr/csr.asp>. These websites contain rulemakings and regulations as they appear in the Registers and CSR. These websites do not contain the official copies of the Registers and CSR. The official copies remain the paper copies published by the Office of the Secretary of State pursuant to sections 536.015 and 536.031, RSMo Supp. 2007. While every attempt has been made to ensure accuracy and reliability, the Registers and CSR are presented, to the greatest extent practicable as they appear in the official publications. The Administrative Rules Division may be contacted by e-mail at rules@sos.mo.gov.

The secretary of state's office makes every effort to provide program accessibility to all citizens without regard to disability. If you desire this publication in alternate form because of a disability, please contact the Division of Administrative Rules, PO Box 1767, Jefferson City, MO 65102, (573) 751-4015. Hearing impaired citizens should contact the director through Missouri relay, (800) 735-2966.



IN THIS ISSUE:

EXECUTIVE ORDERS1131

PROPOSED RULES

Department of Economic Development
Public Service Commission1133

Department of Natural Resources
Clean Water Commission1134

Department of Revenue
Director of Revenue1153

Boards of Police Commissioners
St. Louis Board of Police Commissioners1158

Department of Insurance, Financial Institutions and Professional Registration

Insurance Solvency and Company Regulation1163

Life, Annuities and Health1165

Insurance Licensing1167

State Board of Registration for the Healing Arts1167

State Board of Optometry1168

Office of Tattooing, Body Piercing and Branding1168

ORDERS OF RULEMAKING

Department of Economic Development
Public Service Commission1173

Department of Elementary and Secondary Education
Division of Career Education1179

Department of Public Safety
Missouri Gaming Commission1181

Public Defender Commission
Office of State Public Defender1181

Department of Insurance, Financial Institutions and Professional Registration

Insurance Licensing1181

IN ADDITIONS

Department of Agriculture
Weights and Measures1193

Department of Natural Resources
Division of Energy1193

Department of Health and Senior Services
Missouri Health Facilities Review Committee1195

DISSOLUTIONS1196

SOURCE GUIDES

RULE CHANGES SINCE UPDATE1197

EMERGENCY RULES IN EFFECT1203

EXECUTIVE ORDERS1204

REGISTER INDEX1207

Register Filing Deadlines	Register Publication Date	Code Publication Date	Code Effective Date
May 1, 2008	June 2, 2008	June 30, 2008	July 30, 2008
May 15, 2008	June 16, 2008	June 30, 2008	July 30, 2008
June 2, 2008	July 1, 2008	July 31, 2008	August 30, 2008
June 16, 2008	July 15, 2008	July 31, 2008	August 30, 2008
July 1, 2008	August 1, 2008	August 31, 2008	September 30, 2008
July 15, 2008	August 15, 2008	August 31, 2008	September 30, 2008
August 1, 2008	September 2, 2008	September 30, 2008	October 30, 2008
August 15, 2008	September 15, 2008	September 30, 2008	October 30, 2008
September 2, 2008	October 1, 2008	October 31, 2008	November 30, 2008
September 15, 2008	October 15, 2008	October 31, 2008	November 30, 2008
October 1, 2008	November 3, 2008	November 30, 2008	December 30, 2008
October 15, 2008	November 17, 2008	November 30, 2008	December 30, 2008
November 3, 2008	December 1, 2008	December 31, 2008	January 30, 2009
November 17, 2008	December 15, 2008	December 31, 2008	January 30, 2009
December 1, 2008	January 2, 2009	January 29, 2009	February 28, 2009
December 15, 2008	January 16, 2009	January 29, 2009	February 28, 2009
January 2, 2009	February 3, 2009	February 28, 2009	March 30, 2009
January 16, 2009	February 17, 2009	February 28, 2009	March 30, 2009
February 3, 2009	March 2, 2009	March 31, 2009	April 30, 2009
February 17, 2009	March 16, 2009	March 31, 2009	April 30, 2009
March 2, 2009	April 1, 2009	April 30, 2009	May 30, 2009
March 16, 2009	April 15, 2009	April 30, 2009	May 30, 2009

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

Missouri Participating Libraries

The *Missouri Register* and the *Code of State Regulations*, as required by the Missouri Documents Law (section 181.100, RSMo Supp. 2007), are available in the listed participating libraries, as selected by the Missouri State Library:

Jefferson County Library PO Box 1486, 3021 High Ridge High Ridge, MO 63049-1486 (314) 677-8689	Learning Resources Center Mineral Area College PO Box 1000 Park Hills, MO 63601-1000 (573) 431-4593	Hearnes Learning Resources Ctr. Missouri Western State University 4525 Downs Drive St. Joseph, MO 64507-2294 (816) 271-5802	Library Missouri University of Science and Technology 1870 Miner Circle Rolla, MO 65409-0060 (573) 341-4007
Jefferson College Library 1000 Viking Drive Hillsboro, MO 63050-2441 (314) 789-3951 ext. 160	Cape Girardeau Public Library 711 N. Clark Cape Girardeau, MO 63701-4400 (573) 334-5279	Library North Central Missouri College PO Box 111, 1301 Main Street Trenton, MO 64683-0107 (660) 359-3948 ext. 325	Lebanon-Laclede County Library 135 Harwood Ave. Lebanon, MO 65536-3017 (417) 532-2148
St. Louis Public Library 1301 Olive St. St. Louis, MO 63103-2389 (314) 539-0376	Kent Library Southeast Missouri State University One University Plaza Cape Girardeau, MO 63701-4799 (573) 651-2757	Spiva Library Missouri Southern State University 3950 East Newman Road Joplin, MO 64801-1595 (417) 625-9342	University Library Southwest Baptist University 1600 University Ave. Bolivar, MO 65613-2597 (417) 328-1631
St. Louis University Law Library 3700 Lindell Blvd. St. Louis, MO 63108-3478 (314) 977-2742	Riverside Regional Library PO Box 389, 204 South Union St. Jackson, MO 63755-0389 (573) 243-8141	Missouri State Library 600 West Main, PO Box 387 Jefferson City, MO 65102-0387 (573) 751-3615	Barry-Lawrence Regional Library 213 6th St. Monett, MO 65708-2147 (417) 235-6646
Eden/Webster Library Eden Theological Seminary/ Webster University 475 East Lockwood Ave. St. Louis, MO 63119-3192 (314) 961-2660 ext. 7812	Rutland Library Three Rivers Community College 2080 Three Rivers Blvd. Poplar Bluff, MO 63901-2393 (573) 840-9656	Missouri State Archives 600 West Main, PO Box 778 Jefferson City, MO 65102-0778 (573) 526-6711	Lyons Memorial Library College of the Ozarks General Delivery Point Lookout, MO 65726-9999 (417) 334-6411 ext. 3551
Thomas Jefferson Library University of Missouri-St. Louis 8001 Natural Bridge Road St. Louis, MO 63121-4499 (314) 516-5084	James C. Kirkpatrick Library University of Central Missouri 142 Edwards Library Warrensburg, MO 64093-5020 (660) 543-4149	Elmer Ellis Library University of Missouri-Columbia 106 B Ellis Library Columbia, MO 65211-5149 (573) 882-0748	Garnett Library Missouri State University—West Plains 304 Cleveland West Plains, MO 65775-3414 (417) 255-7945
Washington University Law Library Washington University Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Kansas City Public Library 14 West 10th Street Kansas City, MO 64105 (816) 701-3546	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
St. Louis County Library 1640 S. Lindbergh Blvd. St. Louis, MO 63131-3598 (314) 994-3300 ext. 247	Law Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	Daniel Boone Regional Library PO Box 1267, 100 West Broadway Columbia, MO 65205-1267 (573) 443-3161 ext. 359	Meyer Library Missouri State University PO Box 175, 901 S. National Springfield, MO 65804-0095 (417) 836-4533
Library Maryville University 13550 Conway Road St. Louis, MO 63141-7232 (314) 529-9494	Miller Nichols Library University of Missouri-Kansas City 5100 Rockhill Road Kansas City, MO 64110-2499 (816) 235-2438	School of Law University of Missouri-Columbia 224 Hulston Hall Columbia, MO 65211-0001 (573) 882-1125	
Pickler Memorial Library Truman State University 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	B.D. Owens Library Northwest Missouri State University 800 University Drive Maryville, MO 64468-6001 (660) 562-1841	Smiley Memorial Library Central Methodist University 411 Central Methodist Square Fayette, MO 65248-1198 (660) 248-6279	
	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2007.

EXECUTIVE ORDER 08-18

WHEREAS, the Director of the State Emergency Management Agency has advised me that severe storms associated with tornados and high winds have impacted communities in Missouri; and

WHEREAS, the severe weather on May 10 and 11, 2008, and continuing, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the state of Missouri beyond the capabilities of some local and other established agencies; and

WHEREAS, the citizens and communities of Missouri are still recovering from the effects of the January, February, and March 2008 major disasters; and

WHEREAS, the Missouri Department of Natural Resources is charged by law with protecting and enhancing the quality of Missouri's environment and with enforcing a variety of environmental rules and regulations; and

WHEREAS, in order to respond to the emergency and to expedite the cleanup and recovery process, it is necessary to adjust certain environmental rules and regulations on a temporary and short-term basis.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by Chapter 44, RSMo, do hereby issue the following order:

The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the interests of the public health and safety during the period of the emergency and the subsequent recovery period.

This order shall terminate on June 30, 2008, unless extended in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 13th day of May, 2008.

A handwritten signature in black ink that reads "Matt Blunt".

Matt Blunt
Governor

ATTEST:

A handwritten signature in black ink that reads "Robin Carnahan".

Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 18—Safety Standards

PROPOSED AMENDMENT

4 CSR 240-18.010 Safety Standards for *[Electric Utilities] Electrical Corporations, Telecommunications Companies and Rural Electric Cooperatives*. The commission is amending the Purpose, sections (1)–(3), and adding section (5).

PURPOSE: This amendment changes the edition of the National Electrical Safety Code that the commission adopts for the minimum safety standards applicable to electrical corporations, telecommunications companies, and rural electric cooperatives, and clarifies that the new standards apply only to new installations and extensions.

*PURPOSE: This amendment prescribes minimum safety standards relating to the operation of electric utilities, telecommunications companies, and rural electric cooperatives. Adoption of this rule will not only inform the *[regulated] utilities*, to which it applies, of the minimum safety standards required by the commission *[but] and will [also] be of assistance to the commission staff in carrying out its assigned duties.**

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) *[The commission adopts as its rule and incorporates by reference,] The minimum safety standards relating to the operation of electrical corporations, telecommunications companies, and rural electric cooperatives are Parts 1, 2, and 3 and Sections 1, 2, and 9 of the *[American National Standard,] National Electrical Safety Code (NESC); [2002] 2007 Edition as approved by the American National Standards Institute on June [14, 2001] 16, 2006, as modified by Errata thereto issued on October 5, 2006 and May 14, 2007, and published by the Institute of Electrical and Electronics Engineers, Inc., 3 Park Avenue, New York, NY 10016-5997. [The NESC is published by the Institute of Electrical and Electronics Engineers, Inc., as the minimum safety standards relating to the operation of electric utilities and telecommunications companies and rural electric cooperatives.]* The NESC is composed of four (4) different parts and four (4) sections, each of which pertain to different aspects of the electric and telecommunications industries. Part 1 specifies rules for the installation and maintenance of equipment normally found in electric generating plants and substations. Part 2 pertains to safety rules for overhead electric and communication lines. Part 3 contains safety rules for underground electric and communication lines. Section 1 is an introduction to the NESC, Section 2 defines special terms, and Section 9 requires certain grounding methods for electric and communications facilities. **The full text of this material is available at the Energy Department of the Public Service Commission, Suite 700, 200 Madison, Jefferson City, Missouri. This rule does not incorporate any subsequent amendments or additions.***

(2) *[All electric utilities and] Electrical corporations, telecommunications companies, and rural electric cooperatives subject to regulation by this commission pursuant to Chapters 386, 392–394, RSMo 2000 shall *[be required to adhere to]* comply with the safety standards established by this rule for new installations and extensions as described in the NESC.*

(3) Incident reporting requirements for *[electric utilities] electrical corporations* and rural electric cooperatives are found in 4 CSR 240-3.190(4).

(4) **Those who excavate near underground facilities or conduct activities within ten feet (10') of overhead power lines are required to notify area utilities prior to engaging in such action, pursuant to the Underground Facility Safety and Damage Prevention Act, section 319.010 et seq., RSMo 2000, and the Overhead Power Line Safety Act, section 319.075 et seq., RSMo 2000.**

AUTHORITY: sections 386.310 and 394.160, RSMo 2000. Original rule filed March 15, 1978, effective Oct. 2, 1978. For intervening

history, please consult the *Code of State Regulations*. Amended: Filed May 2, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed amendment with the Missouri Public Service Commission, Colleen M. Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before July 16, 2008, and should include a reference to Commission Case No. EX-2008-0226. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov> (EFIS/Case Filings). A public hearing regarding this proposed amendment is scheduled for July 16, 2008, at 10:00 am in Room 310 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed amendment, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 20—Clean Water Commission

Chapter 6—Permits

PROPOSED AMENDMENT

10 CSR 20-6.010 Construction and Operating Permits. The department is amending subsection (1)(B).

PURPOSE: The commission proposes to amend this rule in order to provide an exemption for the application of pesticides from the permitting regulations. The application of pesticides must be consistent with federal and state regulatory requirements.

(1) Permits—General.

(B) The following are exempt from permit regulations:

1. Nonpoint source discharges;
2. Service connections to wastewater sewer systems;
3. Internal plumbing and piping or other water diversion or retention structures within a manufacturing or industrial plant or mine, which are an integral part of the industrial or manufacturing process or building or mining operation. An operating permit or general permit shall be required, if the piping, plumbing, or structures result in a discharge to waters of the state;
4. Routine maintenance or repairs of any existing sewer system, wastewater treatment facility, or other water contaminant or point source;
5. Single family residences; [and]
6. The discharge of water from an environmental emergency cleanup site under the direction of, or the direct control of, the Missouri Department of Natural Resources or the Environmental Protection Agency (EPA), provided the discharge shall not violate any condition of 10 CSR 20-7.031 Water Quality Standards;

7. Water used in constructing and maintaining a drinking water well and distribution system for public and private use, geologic test holes, exploration drill holes, groundwater monitoring wells, and heat pump wells; [and]

8. Small scale pilot projects or demonstration projects for beneficial use, that do not exceed a period of one (1) year may be exempted by written project approval from the permitting authority. The department may extend the permit exemption for up to one (1) additional year. A permit application shall be submitted at least ninety (90) days prior to end of the demonstration period if the facility intends to continue operation, unless otherwise exempted under this rule or Chapter 6/.; and

9. The application of pesticides in order to control pests in a manner that is consistent with the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Missouri Pesticide Use Act.

AUTHORITY: section 644.026, RSMo 2000. Original rule filed June 6, 1974, effective June 16, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed May 12, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Carol K. Garey, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to carol.k.garey@dnr.mo.gov. Public comments must be received by September 17, 2008. A public hearing is scheduled at a meeting of the Clean Water Commission to be held at 9:00 a.m., September 10, 2008, in The Q Hotel and Spa, 560 Westport Road, Kansas City, Missouri 64111.

Title 10—DEPARTMENT OF NATURAL RESOURCES

Division 20—Clean Water Commission

Chapter 6—Permits

PROPOSED AMENDMENT

10 CSR 20-6.300 Concentrated Animal Feeding Operations. The department is amending the rule by reorganizing much of the existing and proposed content within 10 CSR 20-6.300 for a more logical and organized flow.

PURPOSE: This rulemaking sets forth permitting requirements for concentrated animal feeding operations, making the existing state regulation consistent with current federal regulations found in 40 CFR 122 and 412. The rulemaking also incorporates by reference portions of 40 CFR 412.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Definitions.

(B) Other applicable definitions are incorporated as follows:

1. Abandoned property—Real property previously used for, or which has the potential to be used for, agricultural purposes which has been placed in the control of the state, a county, or municipal government, or an agency thereof, through donation, purchase, tax delinquency, foreclosure, default, or settlement, including conveyance by deed in lieu of foreclosure, and has been vacant for a period of not less than three (3) years;

2. Animal—Domestic animals, fowls, or other types of livestock except for aquatic animals;

3. Animal unit—A unit of measurement to compare various animal types at a concentrated animal feeding operation. One animal unit equals the following: 1.0 beef feeder or slaughter animal; 0.5 horse; 0.7 dairy cow; 2.5 swine weighing over 55 pounds; ~~15~~ 10 nursery pigs weighing less than 55 pounds; 10 sheep; 30 chicken laying hens; 60 chicken layer pullets; 55 turkeys; 100 broiler chickens or an equivalent animal unit. The total animal units at each operating location are determined by adding the animal units for each animal type;

4. Animal unit equivalent—An equivalent animal type and weight that has a similar amount of manure produced as one of the listed animal unit categories. This also applies to other animal types which are not specifically listed;

5. Catastrophic storm—A precipitation event of twenty-four (24)-hour duration that exceeds the twenty-five (25)-year, twenty-four (24)-hour storm event;

6. Chronic storm event—A precipitation event with a duration of more than twenty-four (24) hours that exceeds the one-in-ten (1-in-10) year return frequency. Includes ten (10)-year, ten (10)-day storm, ten (10)-year three hundred sixty-five (365)-day storm and the ten (10)-year, three hundred sixty-five (365)-day rainfall minus evaporation or equivalent rainfall events as defined by the National Oceanic and Atmospheric Administration;

7. Class I and II operation/.—The class is a size category based on the design capacity of animal units or animal unit equivalents at an operating location. Class I includes the subsets of Class IA, IB, and IC. Operations that are smaller than the Class II category are unclassified. Class by animal units is presented in the following chart:

1 Animal Unit =

1.0	Beef feeder or slaughter animal	2.5	Swine weighing over 55 lbs.	30	Chicken laying hens
0.5	Horse	[15] 10	Swine weighing less than 55 lbs.	60	Chicken layer pullets
0.7	Dairy cow	10	Sheep	55	Turkeys
				100	Broiler chickens

Animal Class Category

	Class IA 7,000 AUs*	Class IB 3,000 to 6,999 AUs	Class IC 1,000 to 2,999 AUs	Class II 300 to 999 AUs
Beef feeder or slaughter animal	7,000	3,000 to 6,999	1,000 to 2,999	300 to 999
Horse	3,500	1,500 to 3,499	500 to 1,499	150 to 499
Dairy cow	4,900	2,100 to 4,899	700 to 2,099	200 to 699
Swine weighing over 55 lbs.	17,500	7,500 to 17,499	2,500 to 7,499	750 to 2,499
Swine weighing under 55 lbs.	[105,000] 70,000	[45,000] 30,000 to [104,999] 69,999	[15,000] 10,000 to [44,999] 29,999	[4,500] 3,000 to [14,999] 9,999
Sheep	70,000	30,000 to 69,999	10,000 to 29,999	3,000 to 9,999
Chicken laying hens	210,000	90,000 to 209,999	30,000 to 89,999	9,000 to 29,999
Chicken layer pullets	420,000	180,000 to 419,999	60,000 to 179,999	18,000 to 59,999
Turkeys	385,000	165,000 to 384,999	55,000 to 164,999	16,500 to 54,999
Broiler Chickens	700,000	300,000 to 699,999	100,000 to 299,999	30,000 to 99,999

* Animal Units (AUs)

8. Concentrated animal feeding operation[.] (CAFO)—An operating location where animals have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12)-month period, and a ground cover of vegetation is not sustained over at least fifty percent (50%) of the animal confinement area and meets one (1) of the following criteria:

A. Class I operation; or

B. Class II operation that discharges through a man-made conveyance or where pollutants are discharged directly into waters of the state which originate outside of and pass over, across, or through the operation or otherwise come into direct contact with the animals confined in the operation;

9. Critical watersheds—defined as the following:

A. Watersheds for public drinking water lakes (L1 lakes defined in 10 CSR 20-7.031 and identified in Table G);

B. Watersheds located upstream away from the dam from all drinking water intake structures on lakes including the watershed of Table Rock Lake;

C. Areas in the watershed and within five (5) miles upstream of any stream or river drinking water intake structure, other than those intake structures on the Missouri and Mississippi Rivers; and

D. Watersheds of the Current (headwaters to Northern Ripley County Line), Eleven Point (headwaters to Hwy. 142), and Jacks Fork (headwaters to mouth) Rivers;

10. Dry litter—A waste management system where the animals are confined on a floor that is covered with wood chips, rice hulls, or similar materials and the resulting litter/manure mixture has at least fifty percent (50%) dry matter and is not exposed to precipitation or storm water runoff during storage;

11. Facility—Any Class IA concentrated animal feeding operation which uses a flush system;

12. Flush system—Any animal waste moving or removing system utilizing liquid as the primary moving and removal force from animal containment buildings, as opposed to a primarily mechanical or automatic device;

13. Land application area—Agricultural land which is under the control of the CAFO owner or operator, whether it is owned, rented, or leased, to which manure, litter, or process wastewater from the production area is or may be applied;

[13.]14. Man-made conveyance—A device constructed by man and used for the purpose of transporting wastes, wastewater, or storm water into waters of the state. This includes, but is not limited to, ditches, pipes, gutters, emergency overflow structures, grass waterways, constructed wetland treatment systems, overland flow treatment systems, or similar systems. It also includes the improper land application [of process wastes] so as to allow runoff of applied process wastewater during land application;

[14.]15. Mechanical or automatic device—A method or mechanical invention to remove animal wastes, such as screw augers, scrapers, etc., that does not use liquid as the primary removal force;

16. Multi-year phosphorus application—Phosphorus applied to a field in excess of the crop needs for that year. In multi-year phosphorus applications, no additional manure, litter, or process wastewater is applied to the same land in subsequent years until the applied phosphorus has been removed from the field via harvest and crop removal;

[15.]17. No-discharge operation—An operation designed, constructed and operated to meet each of the following conditions:

A. To hold or irrigate, or otherwise dispose without discharge to surface or subsurface waters of the state, all manure, litter, or process [wastes] wastewater and associated storm water flows except for discharges that are caused by catastrophic storm events;

B. Manure, litter, or [P]process [wastes] wastewater are not land applied during frozen, snow covered, or saturated soil conditions; and

C. Basins are sealed in accordance with 10 CSR 20-8;

[16.]18. Occupied residence—A dwelling place for people which is inhabited at least fifty percent (50%) of the year;

[17.]19. One-in-ten (1-in-10) year precipitation—The wettest precipitation expected once every ten (10) years for a three hundred sixty-five (365)-day period, based on at least thirty (30) years of records from the National Climatic Data Center;

[18.]20. Operating location—All contiguous lands owned, operated, or controlled by one (1) person or by two (2) or more persons jointly or as tenants in common or noncontiguous lands if they use a common area for the disposal of wastes. State and county roads are not considered property boundaries for purposes of this rule;

21. Overflow—The discharge of manure or process wastewater resulting from the filling of wastewater or manure storage structures beyond the point at which no more manure, process wastewater, or storm water can be contained by the structure;

[19.]22. [Process wastes—Process waste includes manure, wastewater and any precipitation which comes into contact with any manure, litter or bedding or any other raw material or intermediate or final material or product used in the production of animals or direct products. It includes spillage or overflow from animal watering systems; washing, cleaning or flushing of pens, barns, manure pits or other associated animal operations; washing or spray cooling of animals; dust control; storm water runoff from animal confinement areas and loading and unloading areas; storm water runoff from deposits of airborne dust from building ventilation systems or spillage of feed or manure; discharges from land application fields that occur during land application; and storm water runoff from land application fields if wastes are applied during frozen, snow covered or saturated soil conditions or if application rates exceed the maximum nitrogen utilization of the vegetation grown;] Process wastewater—Water directly or indirectly used in the operation of the CAFO for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other CAFO facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs, or bedding;

23. Production area—That part of an operation that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes, but is not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes, but is not limited to, lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes, but is not limited to, feed silos, silage bunkers, and bedding materials. The waste containment area includes, but is not limited to, settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production area is any egg washing or egg processing operation, and any area used in the storage, handling, treatment, or disposal of mortalities;

[20.]24. Public building—A building open to and used routinely by the public for public purposes;

25. Vegetated buffer—A narrow, permanent strip of dense perennial vegetation established parallel to the contours of and perpendicular to the dominant slope of the field for the purposes of slowing water runoff, enhancing water infiltration, and minimizing the risk of any potential nutrients or pollutants from leaving the field and reaching surface waters;

[21.]26. Wet handling system—Wet handling system is the handling of manure that contains less than fifty percent (50%) dry matter or has free draining liquids. Wet handling includes that storage

of dry manure or dry litter so that it is exposed to rainfall or storm water runoff. Wet handling system also includes all gravity outfall lines, recycle pump stations, recycle force mains, and appurtenances.

(2) General.

(A) All persons who build, erect, alter, replace, operate, use, or maintain operations for generation, storage, treatment, use, or disposal of **manure, litter, or process /wastes/ wastewater** from concentrated animal feeding operations shall obtain permits as follows:

1. Class I concentrated animal feeding operations;
2. Class II concentrated animal feeding operations which discharge through a manmade conveyance; or
3. An operation designated on a case-by-case basis under subsection (2)(C) of this rule.

(B) Exemptions.

1. Small scale pilot projects or demonstration projects for beneficial use that do not exceed a period of one (1) year may be exempted by written project approval from the permitting authority, provided the facilities are three hundred (300) animal units or smaller. The department may extend the permit exemption for up to one (1) additional year after review of the first year's results. A permit application shall be submitted at least ninety (90) days prior to end of the demonstration period if the facility intends to continue operation.

2. A permit is not required for animal feeding operations of less than three hundred (300) animal units when the operation utilizes applicable best management practices approved by the department.

3. Permits are not required for the composting of dead animals at Class IC or smaller operations when—

A. The compost operation and raw materials storage are located in enclosed buildings with impermeable floors; or

B. The unroofed compost area covers less than five thousand (5,000) square feet and is underlain with an impermeable floor, and raw materials are covered by a tarp or impermeable cover.

4. Permits are not required for storage buildings for dry litter, compost, or similar materials, if the storage structure is roofed and has impermeable floors.

5. Minor piping changes and other minor modifications as determined by the department.

6. Livestock markets are exempt from the provisions of [10 CSR 20-6.300(5)] 10 CSR 20-6.300(3)(A)–(B), 10 CSR 20-6.300(7), 10 CSR 20-6.300(3)(H)1.–2., 10 CSR 20-6.300(4)(D)–(E).

7. Agricultural storm water runoff and return flows from irrigated agriculture when manure, litter, or process wastewater is applied in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater. A precipitation related discharge of manure, litter, or process wastewater from land application areas under the control of a CAFO is considered agricultural stormwater runoff.

[(E) Design Standards.

1. Process wastewater systems shall be designed in accordance with the design standards rule under 10 CSR 20-8; and

2. Effluent limitations for feedlots under 40 CFR 412 are hereby incorporated by reference. Other limitations shall be in accordance with 10 CSR 20-7.015(9)(G). Effluent limits for subsurface waters shall be in accordance with 10 CSR 20-7.015(7).]

[(3) Permits.

(A) Permits required by this regulation shall be issued in accordance with 10 CSR 20-6.010, 10 CSR 20-6.011, 10 CSR 20-6.015, 10 CSR 20-6.020 and 10 CSR 20-6.200.

(B) Applications for permits shall include a professional engineer's seal affixed to all engineering plans and engineering certifications.

(C) Class IA concentrated animal feeding operations that use wet handling systems shall be required to comply with the following minimum permit related requirements:

1. Applications for permits shall include a list of mailing addresses for all adjacent property owners and applicable planning and zoning agencies;

2. Permittee shall retain the services of a full-time resident engineer during lagoon seal construction and compaction tests for inspection and certification;

3. Barrel tests to determine lagoon leakage rates shall be conducted on all newly constructed lagoons which have not yet received operating permits. Barrel tests shall be conducted in accordance with 10 CSR 20-8.020(16)(B);

4. The department shall be notified at least seven (7) days prior to the compaction and barrel testing dates to allow observation of the tests;

5. Permits shall require operational monitoring and reporting, including nutrient levels in wastewater that is land applied; information on land application sites including dates wastewater or manure is applied, application rates per acre, application rates per hour, field slopes, locations, vegetation grown, crop yields, soil moisture and rainfall received; water level measurements in storage structures; operation of land application equipment and other pertinent information;

6. Permits shall require environmental monitoring and reporting, including nitrogen, phosphorus and potassium levels in soils; wastewater discharges that occur; storm water runoff from the property; in-stream monitoring of any waters of the state that adjoin or pass through the property; and groundwater monitoring wells, if determined to be necessary; and

7. Permits shall include a reopener clause to allow modification of the permit should future environmental data determine such is needed.

(D) As the department does not examine structural features of design or the efficiency of mechanical equipment, the issuance of a permit does not include approval of these features.

(4) Closure of Waste Storage Structures.

(A) Facilities that cease operation, or plan to close lagoons and other waste storage structures, shall comply with the requirements in this section:

1. Class I concentrated animal feeding operations which cease operation shall continue to maintain a valid operating permit or until all lagoons and waste storage structures are properly closed according to a closure plan approved by the department; and

2. Other concentrated animal feeding operations that cease operation shall either close the waste storage structures in accordance with the closure requirements in subsection (4)(B) of this rule or shall continue to maintain all storage structures so that there is not a discharge to waters of the state.

(B) Closure Requirements.

1. Lagoons and waste storage structures shall be closed by removal and land application of all waste water and sludge;

2. The removed wastewater and sludge shall be land applied at agricultural rates for fertilizer not to exceed the maximum nutrient utilization of the land application site and vegetation grown and shall be applied at controlled rates so that there will be no discharge to waters of the state; and

3. After removal and proper land application of wastewater and sludge, the earthen basins may be demolished by removing the berms, grading and revegetation of the site so as to provide erosion control, or the basin may be left in place for future use as a farm pond or similar uses.

(5) Requirements Under Sections 640.700–640.758, RSMo Supp. 1996

(A) Buffer Distances.

1. All Class I concentrated animal feeding operations shall maintain a buffer distance between the nearest animal containment building or waste holding basin and any existing public building or occupied residence. The public building or occupied residence will be considered existing if it is being used prior to the start of the neighbor notice requirements of subsection (B) of this section or thirty (30) days prior to construction permit application, whichever is later. Buffer distances shall be—

A. One thousand feet (1000') for concentrated animal feeding operations between 1,000 and 2,999 animal units (Class IC operations);

B. Two thousand feet (2,000') for concentrated animal feeding operations between 3,000 and 6,999 animal units (Class IB operations); and

C. Three thousand feet (3,000') for concentrated animal feeding operations equal to or greater than 7,000 animal units (Class IA).

2. Existing concentrated animal feeding operations are exempt from buffer distance requirements if they meet all of the following criteria:

A. Have been in existence prior to June 25, 1996;

B. Have been in continuous operation since June 25, 1996. Operations are continuous provided they have not been left vacant for longer than any eighteen (18)-month period at any one (1) time; and

C. The operation does not expand to a larger classification size.

3. When existing animal feeding operations or concentrated animal feeding operations expand to a larger class size, the set back distances shall not apply to the portion of the operation in existence as of June 25, 1996.

4. Buffer distances are not applicable to residences owned by the concentrated animal feeding operation or a residence from which a written agreement for operation is obtained from the owner of that residence. When shorter setback distances are proposed by the operation and allowed by the department, the written agreement for a shorter setback distance shall be recorded with the county recorder and filed in the chain of title for the property of the land owner agreeing to the shorter distance buffer.

(B) Neighbor Notice Requirements for Construction Permits.

1. Prior to filing an application for a construction permit with the department, all Class I concentrated animal feeding operations shall provide the following information to all the parties listed in paragraph (5)(B)2. of this section:

A. The number of animals designed for the operation;

B. The waste handling plan and general layout of the operation;

C. The location and number of acres of the operation;

D. Name, address and telephone number of registered agent;

E. Notice that the department will accept written comments for a thirty (30)-day period. The thirty (30)-day notice period will begin on the day the construction permit application is received by the department.

F. The scheduled date the operation intends to submit a construction permit to the department; and

G. The address of the department office receiving comments.

2. The neighbor notice shall be provided to the following:

A. The department's Water Pollution Control Program;

B. The county governing body; and

C. All adjoining owners of property located within one and one-half (1 ½) times the buffer distances specified in subsection (5)(A). Distances are to be measured from the nearest animal confinement building or waste holding basin to the adjoining property line.

3. The construction permit applicant shall submit to the department proof the above notification has been sent.

4. All concentrated animal feeding operations shall submit to the department a map, approximate scale of 1" = 1,000', or a two (2) times enlarged copy of a United States Geological Survey 7.5 minute quadrangle map. The map shall show the operation layout, buffer distances and property owners within one and one-half (1 1/2) times the buffer distance.

5. The neighbor notice will expire if a construction permit application has not been received by the department within twelve (12) months of initiating the neighbor notice requirements.

(C) Class IA Requirements.

1. The owner or operator of any Class IA concentrated animal feeding operation utilizing flush wet handling systems shall employ one (1) or more persons who shall visually inspect the animal waste wet handling facility and holding basins. Visual inspections shall be made at least every twelve (12) hours with a deviation from the twelve (12)-hour requirement not to exceed three (3) hours. The inspections shall focus on the structural integrity of the collection system and containment structures along with any unauthorized discharges from the flush and wet handling systems. Records shall be maintained by the facility for a minimum of three (3) years on forms approved by the department.

2. All Class IA concentrated animal feeding operations utilizing flush systems shall have an electronic or mechanical shut-off in the event of pipe stoppage or backflow. For new facilities, the shut-off shall be included as part of the construction permit application.

3. Secondary containment structure.

A. All Class IA concentrated animal feeding operations utilizing flush systems shall have a containment structure(s) or earthen dam(s).

B. The containment structure(s) or earthen dam(s) shall be sized to contain a minimum volume equal to the maximum capacity of flushing in any twenty-four (24)-hour period from all gravity outfall lines, recycle pump stations and recycle force mains.

C. Construction permit(s) shall be required for the design and construction of the containment structures for all new facilities.

4. Any unauthorized discharges by a Class IA concentrated animal feeding operation from a flush or wet handling system that cross the property line of the facility, or enter the waters of the state, shall be reported to the department and to all adjoining property owners of the facility within twenty-four (24) hours.

(D) Concentrated Animal Feeding Operation Indemnity Fund.

1. Class IA concentrated animal feeding operations utilizing flush systems, shall pay an annual fee of ten cents (10¢) per animal unit to the department for deposit in the Concentrated Animal Feeding Operations Indemnity Fund.

2. The annual fee shall be based upon the animal unit permitted capacity of the facility.

3. The annual fee shall be collected each year for ten (10) years on the anniversary date of the operating permit. For facilities permitted after June 25, 1996, the annual fee shall commence on the first anniversary of the operating permit. The annual fee for facilities permitted prior to June 25,

1996, shall commence on the first full year anniversary of the permit following June 25, 1996.

4. In the event the department determines that a Class IA facility has been successfully closed by the owner or operator, all moneys paid by such operations into the Concentrated Animal Feeding Operation Indemnity Fund shall be returned to the operation. In no event, however, shall this refund exceed the unencumbered balance in the Concentrated Animal Feeding Operation Indemnity Fund.

5. The fees referenced in subsection (5)(D) shall be paid by a check or money order and made payable to the State of Missouri, Concentrated Animal Feeding Operation Indemnity Fund. In the event a check used for the payment of operating fees is returned to the department marked insufficient funds, the person forwarding the check shall be given fifteen (15) days to correct the insufficiency.

6. Fees shall be submitted to: Department of Natural Resources, Water Pollution Control Program, Permit Section, P.O. Box 176, Jefferson City, MO 65102.

7. Each payment shall identify the following: state operating permit number, payment period and permittee's name and address. Persons who own or operate more than one (1) operation may submit one (1) check to cover all annual fees, but are responsible for submitting the appropriate information to allow proper credit for each permit file account.

8. Annual fees are the responsibility of the permittee. Failure to receive a billing notice is not an excuse for failure to remit the fees.]

(3) Permits.

(A) General Requirements.

1. Permits required by this regulation shall be issued in accordance with 10 CSR 20-6.010, 10 CSR 20-6.011, 10 CSR 20-6.015, 10 CSR 20-6.020, and 10 CSR 20-6.200.

2. Applications for permits shall include a professional engineer's seal affixed to all engineering plans and engineering certifications.

3. As the department does not examine structural features of design or the efficiency of mechanical equipment, the issuance of a permit does not include approval of these features.

4. Prior to the transfer of manure, litter, or process wastewater to other persons, the permittee will provide the recipient the most current nutrient analysis.

5. Mortalities must not be disposed of in any liquid manure or process wastewater system, and must be handled in such a way as to prevent the discharge of pollutants to surface waters.

(B) Buffer Distances.

1. All Class I concentrated animal feeding operations shall maintain a buffer distance between the nearest animal containment building or waste holding basin and any existing public building or occupied residence. The public building or occupied residence will be considered existing if it is being used prior to the start of the neighbor notice requirements of subsection (B) of this section or thirty (30) days prior to construction permit application, whichever is later. Buffer distances shall be—

A. One thousand feet (1000') for concentrated animal feeding operations between 1,000 and 2,999 animal units (Class IC operations);

B. Two thousand feet (2,000') for concentrated animal feeding operations between 3,000 and 6,999 animal units (Class IB operations); and

C. Three thousand feet (3,000') for concentrated animal feeding operations equal to or greater than 7,000 animal units (Class IA).

2. Existing concentrated animal feeding operations are exempt from buffer distance requirements if they meet all of the following criteria:

A. Have been in existence prior to June 25, 1996;

B. Have been in continuous operation since June 25, 1996. Operations are continuous provided they have not been left vacant for longer than any eighteen (18)-month period at any one (1) time; and

C. The operation does not expand to a larger classification size.

3. When existing animal feeding operations or concentrated animal feeding operations expand to a larger class size, the setback distances shall not apply to the portion of the operation in existence as of June 25, 1996.

4. Buffer distances are not applicable to residences owned by the concentrated animal feeding operation or a residence from which a written agreement for operation is obtained from the owner of that residence. When shorter setback distances are proposed by the operation and allowed by the department, the written agreement for a shorter setback distance shall be recorded with the county recorder and filed in the chain of title for the property of the land owner agreeing to the shorter distance buffer.

(C) Neighbor Notice Requirements for Construction Permits.

1. Prior to filing an application for a construction permit with the department, all Class I concentrated animal feeding operations shall provide the following information to all the parties listed in paragraph (3)(C)2. of this section:

A. The number of animals designed for the operation;

B. The waste handling plan and general layout of the operation;

C. The location and number of acres of the operation;

D. Name, address, and telephone number of registered agent;

E. Notice that the department will accept written comments for a thirty (30)-day period. The thirty (30)-day notice period will begin on the day the construction permit application is received by the department;

F. The scheduled date the operation intends to submit a construction permit to the department; and

G. The address of the department office receiving comments.

2. The neighbor notice shall be provided to the following:

A. The department's Water Pollution Control Program;

B. The county governing body; and

C. All adjoining owners of property located within one and one-half (1 1/2) times the buffer distances specified in subsection (3)(B). Distances are to be measured from the nearest animal confinement building or waste holding basin to the adjoining property line.

3. The construction permit applicant shall submit to the department proof the above notification has been sent.

4. All concentrated animal feeding operations shall submit to the department a map, approximate scale of one inch equal one thousand feet (1" = 1,000'), or a two (2) times enlarged copy of a United States Geological Survey 7.5 minute quadrangle map. The map shall show the operation layout, buffer distances, and property owners within one and one-half (1 1/2) times the buffer distance.

5. The neighbor notice will expire if a construction permit application has not been received by the department within twelve (12) months of initiating the neighbor notice requirements.

(D) Inspections.

1. Permits shall require the following minimum visual inspections:

A. Weekly inspections of all storm water diversion devices, runoff diversion structures, and devices channeling contaminated storm water to the process wastewater storage;

B. Daily inspection of water lines, including drinking water or cooling water lines;

C. Weekly inspections of the manure, litter, and process wastewater impoundments. The inspection will note the level in liquid impoundments as indicated by the depth marker; and

D. Periodically conduct leak inspections on equipment used for land application of manure or process wastewater.

2. Permits shall require that any deficiencies found as a result of inspections be corrected as soon as possible.

(E) Record Keeping.

1. Permits shall require that the permittee maintain the following records for the production area for a period of five (5) years from the date they are created:

A. A copy of the permit application including the nutrient management plan;

B. Records documenting the visual inspections performed as required in 10 CSR 20-6.300(3)(D) above;

C. Weekly records of the depth of the manure and process wastewater in the liquid impoundments as indicated by the depth marker;

D. Records documenting any actions taken to correct deficiencies. Deficiencies not corrected within thirty (30) days shall be accompanied by an explanation of the factors preventing immediate correction;

E. Records of mortalities management and practices used by the operation which verify compliance with 10 CSR 20-6.300(3)(A)5. above;

F. Records of the date, time, and estimated volume of any overflow;

G. Records of the date, recipient name and address, and approximate amount of manure, litter, or process wastewater transferred to another person.

2. Permits shall require that the permittee maintain the following records for the land application area for a period of five (5) years from the date they are created:

A. Expected crop yields;

B. The date(s) manure, litter, or process wastewater is applied to each field;

C. Weather conditions at time of application and for twenty-four (24) hours prior to and following application;

D. Test methods used to sample and analyze manure, litter, process wastewater, and soil;

E. Results from manure, litter, process wastewater, and soil sampling;

F. Explanation of the basis for determining manure application rates, as provided in the technical standards;

G. Calculations showing the total nitrogen and phosphorus to be applied to each field, including sources other than manure, litter, or process wastewater;

H. Total amount of nitrogen and phosphorus actually applied to each field, including documentation of calculations for the total amount applied;

I. The method used to apply the manure, litter, or process wastewater;

J. Date(s) of manure application equipment inspection.

(F) Annual Reports.

1. Permits shall require the submission of an annual report that includes:

A. The number and type of animals confined at the operation;

B. Estimated amount of total manure, litter, and process wastewater generated by the operation in the previous twelve (12) months;

C. Estimated amount of total manure, litter, and process wastewater transferred to other persons by the operation in the previous twelve (12) months;

D. Total number of acres for land application covered by the nutrient management plan;

E. Total number of acres under control of the operation that were used for land application of manure, litter, and process wastewater in the previous twelve (12) months;

F. Summary of all manure, litter, and process wastewater discharges from the production area that have occurred in the previous twelve (12) months, including date, time, and approximate volume;

G. A statement indicating whether the current version of the CAFO's nutrient management plan was developed or approved by a certified nutrient management planner.

(G) Best Management Practices (BMPs)—Each CAFO subject to this section that land applies manure, litter, or process wastewater, must do so in accordance with the following practices:

1. Permits shall require a nutrient management plan be developed and implemented according to the requirements of 10 CSR 20-6.300(5). The plan must also incorporate the requirements of paragraphs (3)(G)2. and (3)(G)3. based on a field-specific assessment of the potential for nitrogen and phosphorus transport from the field and that addresses the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to surface waters. CAFOs with coverage under a general operating permit issued prior to February 27, 2009, must have their nutrient management plans developed and implemented by February 23, 2011. All other CAFOs that receive either a general or site-specific operating permit after February 27, 2009, must have a nutrient management plan developed and implemented upon the date of operating permit coverage.

2. Manure, litter, or process wastewater shall not be land applied closer than one hundred feet (100') from any down-gradient surface waters, open tile line intake structures, sinkholes, agricultural well heads, or other conduits to surface waters unless the operation complies with one (1) of the following compliance alternatives:

A. For surface and subsurface applications, a setback consisting of a thirty-five foot (35')-wide vegetated buffer where applications of manure, litter, or process wastewater are prohibited; or

B. The CAFO demonstrates that a setback or buffer is not necessary because implementation of alternative conservation practices or field-specific conditions will provide pollutant reductions equivalent or better than the reductions that would be achieved by the one hundred foot (100')-setback.

3. Application rates for manure, litter, and other process wastewater applied to the land application area must minimize phosphorus and nitrogen transport from the field to surface waters in compliance with the technical standards for nutrient management established by the Clean Water Commission. Such technical standards for nutrient management shall—

A. Include a field-specific assessment of the potential for nitrogen and phosphorus transport from the field to surface waters, and address the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals, while minimizing nitrogen and phosphorus movement to surface waters; and

B. Include appropriate flexibilities for any CAFO to implement nutrient management practices to comply with the technical standards, including consideration of multi-year phosphorus application on fields that do not have a high potential for phosphorus runoff to surface water, phased implementation of phosphorus-based nutrient management, and other components, as determined appropriate by the director.

C. Require that manure be analyzed a minimum of once annually for nitrogen and phosphorus content, and soil be analyzed a minimum of once every five (5) years for phosphorus content. The results of these analyses are to be used in determining application rates for manure, litter and other process wastewater.

(H) Class IA Requirements.

1. The owner or operator of any Class IA concentrated animal feeding operation utilizing flush wet handling systems shall employ one (1) or more persons who shall visually inspect the animal waste wet handling facility and holding basins. Visual inspections shall be made at least every twelve (12) hours with a deviation from the twelve (12)-hour requirement not to exceed three (3) hours. The inspections shall focus on the structural integrity of the collection system and containment structures along with any unauthorized discharges from the flush and wet handling systems. Records shall be maintained by the facility for a minimum of three (3) years on forms approved by the department.

2. Any unauthorized discharges by a Class IA concentrated animal feeding operation from a flush or wet handling system that cross the property line of the facility, or enter the waters of the state, shall be reported to the department and to all adjoining property owners of the facility within twenty-four (24) hours.

3. Class IA concentrated animal feeding operations that use wet handling systems shall be required to comply with the following minimum permit related requirements:

A. Applications for permits shall include a list of mailing addresses for all adjacent property owners and applicable planning and zoning agencies;

B. Permittee shall retain the services of a full-time resident engineer during lagoon seal construction and compaction tests for inspection and certification;

C. Barrel tests to determine lagoon leakage rates shall be conducted on all newly constructed lagoons which have not yet received operating permits. Barrel tests shall be conducted in accordance with 10 CSR 20-8.020(16)(B);

D. The department shall be notified at least seven (7) days prior to the compaction and barrel testing dates to allow observation of the tests;

E. Permits shall require operational monitoring and reporting, including—

(I) Nutrient levels in wastewater that is land applied;

(II) Information on land application sites, including dates wastewater or manure is applied, application rates per acre, application rates per hour, field slopes, locations, vegetation grown, crop yields, soil moisture, and rainfall received;

(III) Water level measurements in storage structures;

(IV) Operation of land application equipment; and

(V) Other pertinent information;

F. Permits shall require environmental monitoring and reporting, including—

(I) Nitrogen, phosphorus, and potassium levels in soils;

(II) Wastewater discharges that occur;

(III) Storm water runoff from the property;

(IV) In-stream monitoring of any waters of the state that adjoin or pass through the property; and

(V) Groundwater monitoring wells, if determined to be necessary; and

G. Permits shall include a reopener clause to allow modification of the permit should future environmental data determine such is needed.

(4) Design Standards.

(A) Process wastewater systems shall be designed in accordance with the design standards rule under 10 CSR 20-8; and

(B) Other limitations shall be in accordance with 10 CSR 20-7.015(9)(G). Effluent limits for subsurface waters shall be in accordance with 10 CSR 20-7.015(7).

(C) The provisions addressing effluent limitations as set forth in 40 CFR Part 412, Subpart A through Subpart D, July 1, 2007 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954 are incorporated by reference, except for 412.46(d). This rule does not incorporate any

subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 20-6.300 shall apply in this rule in addition to any other modifications set forth in this rule.

(D) Open surface liquid impoundments shall have a depth marker that clearly indicates the upper operating level of the impoundment and the lower operating level, if applicable, of the impoundment.

(E) Secondary Containment Structure.

1. All Class IA concentrated animal feeding operations utilizing flush systems shall have a containment structure(s) or earthen dam(s).

2. The containment structure(s) or earthen dam(s) shall be sized to contain a minimum volume equal to the maximum capacity of flushing in any twenty-four (24)-hour period from all gravity outfall lines, recycle pump stations, and recycle force mains.

3. Construction permit(s) shall be required for the design and construction of the containment structures for all new facilities.

(F) All Class IA concentrated animal feeding operations utilizing flush systems shall have an electronic or mechanical shut-off in the event of pipe stoppage or backflow. For new facilities, the shut-off shall be included as part of the construction permit application.

(5) Nutrient Management Plans—Nutrient management plans must, to the extent applicable—

(A) Ensure adequate storage of manure, litter, and process wastewater, including procedures to ensure proper operation and maintenance of the storage facilities;

(B) Ensure proper management of mortalities (i.e., dead animals) to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities;

(C) Ensure that clean water is diverted, as appropriate, from the production area;

(D) Prevent direct contact of confined animals with waters of the state;

(E) Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants;

(F) Identify appropriate site specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, to control runoff of pollutants to waters of the state;

(G) Identify protocols for appropriate testing of manure, litter, process wastewater, and soil;

(H) Establish protocols to land apply manure, litter, or process wastewater in accordance with site specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter, or process wastewater; and

(I) Identify specific records that will be maintained to document the implementation and management of the minimum elements described in subsections (A) through (H) of this section;

(6) Closure of Waste Storage Structures.

(A) Facilities that cease operation, or plan to close lagoons and other waste storage structures, shall comply with the requirements in this section—

1. Class I concentrated animal feeding operations which cease operation shall continue to maintain a valid operating permit or until all lagoons and waste storage structures are properly closed according to a closure plan approved by the department; and

2. Other concentrated animal feeding operations that cease operation shall either close the waste storage structures in accordance with the closure requirements in subsection (6)(B) of this

rule or shall continue to maintain all storage structures so that there is not a discharge to waters of the state.

(B) Closure Requirements.

1. Lagoons and waste storage structures shall be closed by removal and land application of all wastewater and sludge;

2. The removed wastewater and sludge shall be land applied at agricultural rates for fertilizer not to exceed the maximum nutrient utilization of the land application site and vegetation grown and shall be applied at controlled rates so that there will be no discharge to waters of the state; and

3. After removal and proper land application of wastewater and sludge, the earthen basins may be demolished by removing the berms, grading, and revegetation of the site so as to provide erosion control, or the basin may be left in place for future use as a farm pond or similar uses.

(7) Concentrated Animal Feeding Operation Indemnity Fund.

(A) Class IA concentrated animal feeding operations utilizing flush systems, shall pay an annual fee of ten cents (10¢) per animal unit to the department for deposit in the Concentrated Animal Feeding Operations Indemnity Fund.

(B) The annual fee shall be based upon the animal unit permitted capacity of the facility.

(C) The annual fee shall be collected each year for ten (10) years on the anniversary date of the operating permit. For facilities permitted after June 25, 1996, the annual fee shall commence on the first anniversary of the operating permit. The annual fee for facilities permitted prior to June 25, 1996, shall commence on the first full year anniversary of the permit following June 25, 1996.

(D) In the event the department determines that a Class IA facility has been successfully closed by the owner or operator, all moneys paid by such operations into the Concentrated Animal Feeding Operation Indemnity Fund shall be returned to the operation. In no event, however, shall this refund exceed the unencumbered balance in the Concentrated Animal Feeding Operation Indemnity Fund.

(E) The fees referenced in section (7) shall be paid by a check or money order and made payable to the State of Missouri, Concentrated Animal Feeding Operation Indemnity Fund. In the event a check used for the payment of operating fees is returned to the department marked insufficient funds, the person forwarding the check shall be given fifteen (15) days to correct the insufficiency.

(F) Fees shall be submitted to Department of Natural Resources, Water Pollution Control Program, Permit Section, PO Box 176, Jefferson City, MO 65102.

(G) Each payment shall identify the following: state operating permit number, payment period, and permittee's name and address. Persons who own or operate more than one (1) operation may submit one (1) check to cover all annual fees, but are responsible for submitting the appropriate information to allow proper credit for each permit file account.

(H) Annual fees are the responsibility of the permittee. Failure to receive a billing notice is not an excuse for failure to remit the fees.

[(6)](8) Letters of Approval.

(A) General Requirements.

1. Animal feeding operations that are not otherwise required to obtain a permit under this rule, may apply for a letter of approval on a voluntary basis.

2. As the department does not examine structural features of design or the efficiency of mechanical equipment, the issuance of a letter of approval does not include approval of these features.

(B) Letters of approval shall require the following:

1. The facility shall be constructed and operated so that the wastewater or wastewater treatment residuals will be land applied to provide beneficial use in agriculture or silviculture;

2. Class II facilities, applying for the letter of approval shall be designed, constructed, and operated so as not to discharge through a man-made conveyance; except for those caused by rainfall events exceeding the twenty-five (25)-year, twenty-four (24)-hour rainfall event; and

3. Facilities smaller than Class II applying for the letter of approval shall use best management practices approved by the department.

(C) The letter of approval may be modified or revoked for causes including, but not limited to, the following:

1. Violation of any term or condition of the letter of approval;

2. A misrepresentation or failure to fully disclose all relevant facts in obtaining a letter of approval;

3. A change in the operation, size or capacity of the approved facility; or

4. A change in the agreement between the operating authority and the landowner(s).

(D) When an operating permit is required under this rule or under 10 CSR 20-6.010 for any activity, no-discharge facilities at the same operating location shall be incorporated into the operating permit and a letter of approval shall not be issued.

(E) Applications for Letters of Approval.

1. An application for, or renewal of, a construction letter of approval or operating letter of approval shall be made on forms provided by the department. The applications may be supplemented with copies of information submitted for other federal or state permits.

2. All applications must be signed as follows:

A. The chief executive officer of a corporation or by an individual having responsibility for the overall operation of the regulated facility or activity, such as the plant manager, or by an individual having overall responsibility for environmental matters at the facility;

B. A general partner or the proprietor, respectively, of a partnership or sole proprietorship; or

C. A principal executive officer of a municipal, state, federal, or other public facility or an individual having overall responsibility for environmental matters at the facility.

3. Incomplete applications.

A. When an application is incomplete or otherwise deficient, the applicant shall be notified of the deficiency and given a requested response time to complete the application. Processing of the incomplete application will be discontinued until the applicant has corrected all deficiencies.

B. In the event the department does not receive a response within sixty (60) days after the applicant has been notified of an incomplete application, the application will be closed and returned to the applicant. The applicant shall submit a complete new application in order to receive further consideration of the proposal.

4. The department will act by either issuing or denying the construction or operating letter of approval application within ninety (90) days of receipt of a complete application. Reasons for a denial shall be given to the applicant in writing.

5. In the event the department fails to act within ninety (90) days of receipt of a complete application by either issuing or denying a letter of approval, the applicant may proceed with construction. However, changes may be necessary by the department to the design and proposed operation of the facility prior to issuing an operating letter of approval.

6. Continuing authorities for letters of approval.

A. All applicants for construction or operating letters of approval shall show as part of their application that a permanent entity exists which will serve as the continuing authority for the operation, maintenance and modernization of the facility for which the application is made. Construction and operating letters of approval

shall not be issued unless the applicant provides the proof to the department and the continuing authority has submitted a statement indicating acceptance of the facility.

B. Continuing authorities which can be issued letters of approval to collect and/or treat or dispose of process wastes under this regulation are listed under 10 CSR 20-6.010.

(F) Construction Letters of Approval.

1. Applications for construction letters of approval shall be made on a form provided by the department at least ninety (90) days before the planned start of construction.

2. A separate application shall be submitted for each facility intended for treatment or disposal of process wastes. However, one (1) application may cover all facilities where there are multiple facilities at a single operating location.

3. An application shall consist of the following items:

A. An application form;

B. An engineering report along with plans and specifications shall be submitted governing the design of the waste handling system. All shall be affixed with a professional engineer's seal;

C. An operation and maintenance plan for collection, storage and land application of process wastes; and

D. Other information necessary to determine compliance with the Missouri Clean Water Law and these regulations as required by the department.

4. Expiration of construction letters of approval.

A. Construction letters of approval shall expire one (1) year from the date of issuance unless the owner or authorized representative applies for an extension. An applicant for the extension shall show that there have been no substantial changes in the original project and file for extension thirty (30) days prior to expiration of the approval. Only one (1) extension will be given.

B. When a construction approval is issued for a project for which the construction period is known in advance to require longer than one (1) year from the date of issuance, the department may issue an approval allowing a period of time greater than one (1) year upon a showing by the applicant that the period of time is necessary and that no substantial changes in the project will be made without notifying the department. If there are substantial changes, the department may require the applicant to apply for a new construction letter of approval.

C. Construction letters of approval may be issued for a period of less than one (1) year when appropriate.

(G) Operating Letters of Approval.

1. One (1) operating application shall be submitted to cover all nondischarging facilities at a single operating location.

2. Applications for an operating letter of approval shall be made on a form provided by the department and should be filed immediately after the project has been completed. The department shall require that a professional engineer affix his/her seal and certify in writing that the project has been completed in accordance with its approved plans and specifications or submit engineering certification of as-built plans and specifications and other supporting documents listed in subsection *[(6)/(F)](8)(F)*.

3. Obtaining a letter of approval from the department shall not relieve the operator of any requirement to comply with any local or federal laws or regulations.

4. The operating letter of approval will normally be issued to the owner for the life of the facility or until ownership changes. The approval may be issued for a shorter period when appropriate.

5. The owner shall advise the department when ownership changes, when the facility is closed or when other significant changes are made to the facility that would require updating of the approval.

(H) Transfer of Letters of Approval.

1. Unless a permit is required under section (2), an operating letter of approval may be transferred upon submission to the department of an application to transfer signed by a new owner or other continuing authority or responsible party.

2. The letter of approval shall automatically terminate if a transfer application is not submitted within ninety (90) days after the ownership change.

3. Within sixty (60) days of receipt of a transfer application, the department shall notify the new applicant that the letter of approval is transferred or revoked. If the department fails to notify within this time frame, the new applicant will be considered the new owner or responsible party.

4. Construction letters of approval are not transferable. If ownership of a facility under construction changes, the new owner shall apply for a new construction letter of approval following the procedures in subsection *[(6)/(F)](8)(F)*.

(I) Terms and Condition of Letters of Approval.

1. All waste, wastewater, sludge residuals, and by-products shall be handled and disposed so that there is no discharge to waters of the state except for surface discharges from nonpoint sources which use approved best management practices. There shall be no discharges to subsurface waters.

2. An animal feeding operation for which an operating letter of approval has been issued shall not discharge to waters of the state except for a discharge caused by rainfall events exceeding the twenty-five (25)-year, twenty-four (24)-hour rainfall event. If an unauthorized discharge occurs, the letter of approval is void. The owner must immediately eliminate any discharge to waters of the state and any substantial threat of future discharges or shall apply for an operating permit.

3. The operating letter of approval shall automatically become invalid upon the issuance of an operating permit.

4. The letter of approval may be modified, reissued or terminated upon notification from the department as necessary to protect waters of the state or to assure compliance with the Missouri Clean Water Law.

5. The letter of approval shall require that the facility be designed and operated to provide a beneficial use in accordance with subsection *[(6)/(B)](8)(B)*.

6. The letter of approval pertains only to the Missouri Clean Water Law and regulations. It does not apply to other laws and regulations.

7. For the purpose of inspecting, monitoring or sampling the treatment or disposal facility for compliance with the Clean Water Law and these regulations, the owner or operator of the letter of approval facility shall allow authorized representatives of the department, upon presentation of credentials and at reasonable times to—

A. Enter upon the premises in which a treatment or disposal facility is located or in which any records are required to be kept under terms and condition of the letter of approval;

B. Have access to or copy any records required to be kept under terms and conditions of the letter of approval;

C. Inspect any monitoring equipment or monitoring method required in the letter of approval;

D. Inspect any collection, treatment, or land application facility covered under the letter of approval; and

E. Sample any waste, wastewater, sludge, residuals, or by-products at any point in the collection system or treatment process.

8. Facility expansions, production increases or process modifications which will result in new or different process waste characteristics must be reported sixty (60) days before the facility or process modification begins. Notification may be accomplished by application for a new letter of approval, or if the change will not significantly alter disposal limitations specified in the letter of approval, by submission of notice of the change to the department.

9. Solid wastes or hazardous waste shall not be introduced into the facility or otherwise land applied or disposed except in accordance with the Missouri Solid Waste Management Law and regulations under 10 CSR 80 and the Missouri Hazardous Waste Management Law and regulations under 10 CSR 25.

10. All reports required by the department shall be signed by a person designated in this rule or a duly authorized representative as follows:

A. The signature authorization may be delegated if the representative so authorized is responsible for the overall operation of the facility and the authorization is made in writing by a person designated in subsection [(6)(E)](8)(E) of this rule and is submitted to the department; and

B. Any changes in the written authorization which occur after the issuance of a letter of approval shall be reported to the department by submitting a new written authorization which meets the requirements of paragraph [(6)(f)] 12.)(8)(f)12.

11. New confinement operations shall comply with the design standards in subsections [(2)(C)](4)(A)–(B) of this rule; and

12. Other terms and conditions may be incorporated into letters of approval if the department determines they are necessary to assure compliance with the Clean Water Law and regulations.

AUTHORITY: sections 640.710 and 644.026, RSMo [1997] 2000. Original rule filed June 1, 1995, effective Jan. 30, 1996. Amended: Filed March 1, 1996, effective Nov. 30, 1996. Amended: Filed July 9, 1998, effective March 30, 1999. Amended: Filed May 12, 2008.

PUBLIC COST: This proposed amendment will cost the Department of Natural Resources thirty-one thousand three hundred forty-three dollars and thirty-nine cents (\$31,343.39) in the aggregate. This total estimated aggregate cost to the department is a multi-year aggregate. It is anticipated that this cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost Concentrated Animal Feeding Operations, (CAFOs), seventy thousand seven hundred fifty dollars (\$70,750) in the aggregate. This total estimated aggregate cost to the operations is a multi-year aggregate. It is anticipated that this cost will recur for the life of the rule, may vary with inflation and increase at the rate projected by the Legislative Oversight Committee.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Natural Resources, Division of Environmental Quality, Water Protection Program, Darrick Steen, PO Box 176, Jefferson City, MO 65102. Comments may be sent with name and address through email to derrick.steen@dnr.mo.gov. Public comments must be received by September 17, 2008. The public hearing is scheduled at a meeting of the Clean Water Commission to be held at 9:00 a.m., on September 10, 2008, in The Q Hotel and Spa, 560 Westport Road, Kansas City, Missouri 64111.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title: Department of Natural Resources**
Division Title: Clean Water Commission
Chapter Title: Water Quality

Rule Number and Name:	10 CSR 20-6.300 Concentrated Animal Feeding Operations
Type of Rulemaking:	Proposed Rule Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
Department of Natural Resources	\$31,343.39 for .36 FTE

III. WORKSHEET

NPDES Permit Fee Fund Expenses	FY 2009 (4 Months)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Salaries (Based on EE II Range 29 Step L - .36 FTE)	(\$14,732.00)	(\$18,209.00)	(\$18,755.00)	(\$19,317.65)	(\$19,897.18)	(\$20,494.09)
Fringe Benefits @ 45.26% * .36 (Based on FY08 Rate)	(\$6,668.00)	(\$8,241.00)	(\$8,489.00)	(\$8,743.67)	(\$9,005.98)	(\$9,276.16)
Equipment and Expense (.36 of Standard EE Coding)	(\$2,003.00)	(\$2,063.00)	(\$2,126.00)	(\$2,189.78)	(\$2,255.47)	(\$2,323.14)
TOTAL FUND COSTS - ALL CATEGORIES	(\$23,403.00)	(\$28,513.00)	(\$29,370.00)	(\$30,251.10)	(\$31,158.63)	(\$32,093.39)
(743 Total Hours / 2,080 hours [1 FTE] = .36 FTE)						
NPDES Permit Fee Fund Revenue	FY 2009 (4 Months)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
CAFO Permit Fees <55 lbs (5 new permits per year)	\$750.00	\$0.00	\$0.00	\$0.00	\$0.00	\$750.00
(5 Apps * \$150 Fee Paid Every Five Years)						
Total Permit Fee Revenue:	\$750.00	\$0.00	\$0.00	\$0.00	\$0.00	\$750.00

NPDES Permit Fee Fund Revenue	FY 2009 (4 Months)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
Estimated Net Effect on Permit Fee Fund:	(\$22,653.00)	(\$28,513.00)	(\$29,370.00)	(\$30,251.10)	(\$31,158.63)	(\$31,343.39)
Estimated Net Effect on Permit Fee Fund Total Revenue:	(\$22,653.00)	(\$28,513.00)	(\$29,370.00)	(\$30,251.10)	(\$31,158.63)	(\$31,343.39)

Fiscal impact derived from the three primary components in the proposed amendment –

* New permit application requirements, due to a lower animal threshold change including swine <55 lbs., i.e. estimated review of 5 applications in the 1st year of a 5-year construction permit or 5 x 20 hrs. per application = 100 hrs. per year

** New loss assessment requirements for phosphorus, reducing the load in surface water to comply with the new Nutrient Management Plan criteria, i.e. estimated review of 60 applications or 60 x 5 hrs. per application = 300 hrs. per year

*** New annual reporting requirements, i.e. reviewing 1/3 of an estimated 520 permits per year or .333 x 520 x 2 staff hrs. per report = 346 hrs. per year

**** Total hours of staff review required = 746 (746 Total Hours / 2,080 hours [IFTE] = 3.6 FTE)

NPDES Permit Fee Fund Revenue for an estimated 5 operating permit applications, i.e. 5 permit applications. x \$150 fee, paid every five years or \$750.00.

IV. ASSUMPTIONS

The duration of the proposed rule is indefinite. There is no sun-set clause. Costs imposed by the proposed rule are shown on an annual basis. It is assumed that additional years will be consistent with the assumptions used to calculate the annual costs identified in this fiscal note.

The department must review annual reports of permit operators to ensure compliance with the new federal requirements. These reviews of new application requirements, the new phosphorus loss assessment and Nutrient Management Plan (NMP) criteria and review of annual reports, requires additional staff hours.

For the department, the employee costs are calculated using the annual salary multiplied by the FY 2008, 45.26% fringe benefit rate. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee. Equipment and expense are calculated according to a standard

code for FY2008, Environmental Engineer II. First-year equipment and expense costs reflect the initial office set-up for the employee.

It is anticipated that all costs are expected to increase at the rate projected by the Legislative Oversight Committee. A 3% rate of inflation is applied to personnel costs. The FY2009 reflects that portion of the first full fiscal year the rule is effective, or 4 months, and reflects the new permit application requirements.

The Water Protection Program, permitting and engineering section, conducts permit reviews prior to issuing a construction permit. The technical review is conducted by an Engineer II with expertise in environmental engineering analysis.

The public fiscal note for this rulemaking reflects the cost to the department resulting from the technical review and analysis of the estimated five (5) permit applications, new NMP criteria, and the annual reporting requirements, resulting in 746 total hours of staff review. The Estimated Net Effect, \$22,653, on the NPDES Permit Fee Fund, is based on the fees collected, \$750.00, (\$150.00 per permit application), and accruing to fee revenues in the first year and once every five (5) years for operating permit renewals.

* Fiscal impact is based on the new application requirements resulting in increased staff time to review operating permit applications in the first year. The new application requirements, lowering the animal threshold number for swine weighing less than 55 pounds in the animal category for nursery swine, are based on the new federal requirements.

A small number of nursery swine sites, five (5), thought to be operating within the impacted animal number range of 10,000 to 15,000, will be impacted under this proposed rulemaking. No new large nursery swine operations are expected due to current trends in the swine industry.

** The amended rulemaking language includes expanded criteria to comply with the required Nutrient Management Plans (NMPs). An NMP includes the strategies producers use to ensure manure storage and manure application on farms. New requirements in the NMPs will now include plans that require phosphorus loss assessment as well as continuing to assure that surface or groundwater are not adversely affected. This is expected to result in improved manure management to protect water quality due to a greater emphasis on the proper management of animal manure at the production site and on land application sites.

Expanded Best Management Practices (BMPs) include the new phosphorus loss assessment requirement and nutrient management plan criteria necessary to meet minimum federal requirements.

*** Annual reporting requirements are needed to meet the current federal requirements. The department proposes to review one-third of the annual reports, in detail every year with an expectation that every permitted facility will receive a review of their annual report at least once per permit cycle.

These expanded requirements will help Concentrated Animal Feeding Operations (CAFO) to analyze decisions and test results from previous years and make appropriate adjustments to the nutrient management plan to maximize the nutrient benefits.

CAFOs have always been required to submit annual reports to the department. The Environmental Protection Agency has increased its reporting requirements to assure operators comply with new and current regulatory and permit practices.

The cost in the aggregate to the department is estimated to be \$31,343.39 to comply with this rulemaking. This aggregate cost may be considered a multi-year aggregate due to the cyclical nature of the permitting process and to accommodate the cyclical nature of the rule requirements. The revenue collected based on fees paid to renew the estimated number of operating permits in the first year, and the revenue collected based on fees paid to renew every (5) years thereafter, is the same, absent a change in the fees.

The Estimated Net Effect to the department's NPDES (National Pollutant Discharge Elimination System) Permit Fee Fund in FY2009 is \$22,653.00. This is the cost to the department for staff salaries, expense and equipment and fringe benefits less permit application fee revenue.

The Estimated Net Effect on the department's Permit Fee Fund in FY2010 is \$28,513.00, in FY2011 is \$29,370.00, in FY2012 is \$30,251.10, in FY2013 is \$31,158.63, and in FY2014 is \$31,343.39. FY2014 reflects the multi-year aggregate cost which will recur every 5 years.

**** The FY2009 is a partial fiscal year reflecting the four (4) months the rulemaking is in effect during the first year. Approximately 693 hours of staff review are possible in the first year. Of the total hours needed for review, 746, there remain approximately 52 hours that cannot be worked within the usual 40 hour week. As a result, 12 hours, or 2.4 additional hours per day in the final week of the 4 month period, are required to complete the reviews.

**FISCAL NOTE
PRIVATE COST**

- I. Department Title: Title 10 – Department of Natural Resources**
Division Title: Division 20 – Clean Water Commission
Chapter Title: Chapter 6 – Permits

Rule Number and Title:	10 CSR 20-6.300 Concentrated Animal Feeding Operations
Type of Rulemaking:	Proposed Rule Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
5 Concentrated Animal Feeding Operations (CAFOs) General Operating Permits	112 – Animal Production	\$750
500 CAFO Permit Sampling Cost	112 – Animal Production	Total Cost: \$70,000
5 CAFO Permit Fee Applications Plus Sampling Cost for 500 CAFOs	112 – Animal Production 112 – Animal Production	Total Aggregate: \$70,750

II. WORKSHEET

Private Entity Costs – CAFO Facilities	FY 2009 (4 Months)	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
CAFO Permit <55 lbs (NPDES Permit Fee - \$150 * \$5 = \$750)	(\$750)	\$0	\$0	\$0	\$0	(\$750)
CAFO General Permit - Sampling Costs for 500 CAFO Facilities (500 * \$140 = \$70,000)	\$0	(\$70,000)	(\$70,000)	(\$70,000)	(\$70,000)	(\$70,000)
ESTIMATED NET FISCAL EFFECT FOR PRIVATE INDUSTRY:	(\$750)	(\$70,000)	(\$70,000)	(\$70,000)	(\$70,000)	(\$70,750)

Fiscal impact based on three primary components –

* New application requirement, lowering the animal threshold change to swine <55 lbs. The 5 new general operating permits x the \$150 fee, is \$750.

** Phosphorus assessment requirement to reduce the phosphorus load in surface water –
CAFO (Concentrated Animal Feeding Operations) operators with general operating permits are expected to collect an average of 6 soil samples, \$10 per sample and 2 manure samples, \$40 per sample. Based on total sampling cost of \$140 per CAFO operator, for the estimated 500 CAFO general operating permits the cost is \$70,000 per year.

CAFO operators that have a site specific permit conduct the sampling and therefore will not incur any additional cost.

IV. ASSUMPTIONS

The duration of the proposed rule is indefinite. There is no sun-set clause. Costs imposed by the proposed rule are shown on an annual basis. It is assumed that additional years will be consistent with the assumptions used to calculate the annual cost identified in this fiscal note.

* The worksheet estimates cost associated with the new application requirement that lowers the animal threshold to less than 55lbs.

Swine < 55 lbs category change –

Facilities that were not previously permitted due to the lowering of the classification range may be required to obtain a permit. An estimated five (5) facilities will need to get a permit due to size.

** The worksheet estimates the cost associated with the additional sampling requirements for soil and manure for those having general operating permits. The required samples are taken in the fall. There are no sampling costs incurred during the last 4 months of FY 2009 of the effective rule.

Phosphorus assessment –

All general permit operations will eventually be required to complete a phosphorus assessment on the land used for land application. The owner will need to conduct routine soil and manure testing ensuring the nutrients are being applied at appropriate rates. On average, 6 soil samples will be necessary per year and 2 manure samples will be necessary per year.

It is anticipated that the total sampling cost will recur for the life of the rule.

The aggregate cost, i.e. an annualize aggregate, or total lifetime cost, to privately owned Concentrated Animal Feeding Operations (CAFOs) for general operating permits fee applications (\$750.00) and sampling (\$70,000) is \$70,750.

The aggregate cost, \$70,750, may be considered a multi-year aggregate since fees paid to renew the estimated number (5) of operating permits in the first year, and the fees paid to renew every (5) years thereafter, are the same, absent a change in the fees. First-year costs reflect the permit fee application. The aggregate cost may be considered a multi-year aggregate due to the cyclical nature of the permitting process and to accommodate the cyclical nature of the rule requirements.

The Estimated Net Effect on Private Industry in FY2009 is \$750. Given that sampling is done in the fall, no sampling costs occur during the first four (4) months the rule is effective.

The Estimated Net Effect on Private Industry in FY2010 is \$70,000, in FY2011 is \$70,000, in FY2012 is \$70,000, in FY 2013, is \$70,000, and in FY2014 is \$70,750. FY2014 reflects the multi-year aggregate cost which will recur every 5 years.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED AMENDMENT

12 CSR 10-26.010 Bona Fide Established Place of Business. The director proposes to amend the Purpose, sections (1) through (3), and sections (5) through (7).

PURPOSE: Section 301.560, RSMo, establishes the requirements for a bona fide established place of business for boat dealers, boat manufacturers, motor vehicle dealers, wholesale motor vehicle dealers, motor vehicle manufacturers, public motor vehicle auctions and wholesale motor vehicle auctions. This amendment eliminates provisions already in the statute, clarifies existing provisions, incorporates trailer dealers and manufacturers as required by Senate Bill 82 (2007), and requires each dealer location to be issued a separate license.

*PURPOSE: The department must determine that applicants/licensees such as boat dealers, boat manufacturers, **trailer dealers, trailer manufacturers**, motor vehicle dealers, wholesale motor vehicle dealers, motor vehicle manufacturers, public motor vehicle auctions, and wholesale motor vehicle auctions maintain a bona fide established place of business. This rule establishes criteria that may be used in determining if this requirement has been met.*

(1) In order to constitute a bona fide established place of business, hereinafter referred to as a “business location,” for boat dealers, boat manufacturers, motor vehicle dealers **other than dealers who sell only emergency vehicles**, motor vehicle manufacturers, wholesale motor vehicle dealers, public motor vehicle auctions, **trailer dealers, trailer manufacturers, powersport dealers**, and wholesale motor vehicle auctions—

(A) *[The business location must be a permanently enclosed building or structure either owned or leased.]* The business location must be actually occupied and primarily used in whole, or in clearly designated and segregated part, as a place of business by the licensee for the manufacturing, selling, auctioning, bartering, trading, **servicing**, or exchanging of motor vehicles, trailers, **[or] boats, or powersports**.

1. Example: An applicant for a motor vehicle dealer license maintains a building or structure primarily used in the operation of a business other than the sale or exchange of motor vehicles. As a side-line, the applicant desires to engage in the business of selling motor vehicles. The building or structure used primarily for some other business, other than the selling or exchanging of motor vehicles, does not qualify as a bona fide established place of business for the selling of motor vehicles unless an area is clearly designated and segregated and records are separately maintained for the purpose of selling, bartering, trading, **servicing**, or exchanging of motor vehicles or trailers;

(C) *[The licensee must maintain at the business location the books, records, files and other items required and necessary to conduct the business. Such items shall be accessible for inspection during regular business hours.]* If a licensee is also licensed as an auction, the auction records must be kept separately from the dealer records;

(D) *[Unless otherwise specified, t/The business location of [a] licensees [other than a wholesale dealer or boat dealer] must also contain an area or lot which shall not be a public street upon which [one (1) or more] multiple vehicles may be displayed.*

1. The display area or lot must be of sufficient size to physically accommodate vehicles of the type which the licensee is licensed to sell.

2. The display area or lot must be used exclusively for display by the licensee and must be situated to prevent confusion or uncertainty concerning its relationship to the licensee.

3. The display area or lot must provide unencumbered visibility from the nearest public street of the vehicles being sold by the licensee.

4. Auctions that are also licensed as dealers must maintain a display area or lot separate from the dealership lot for auction vehicles.

5. A licensee in more than one (1) class of business may use the same building and display area for all classes so long as each use is separately and clearly marked. Records must be maintained separately and separate signs as specified in subsection (1)(E), must be displayed;

(E) *[A]/Licensees must display an exterior sign[, if applicable.*

1. *A licensee except a wholesale motor vehicle dealer must display an exterior sign]* that shall be of a permanent nature, erected on the exterior of the structure or on the display area, constructed or painted and maintained to withstand reasonable weather conditions and the sign must be readable. *[The sign must:*

A. *Contain the name of the licensee. The name does not need to be identical to the name appearing on the licensee’s license, so long as it is registered as a fictitious name with the secretary of state, is approved in writing by the line-make manufacturer, if applicable, and a copy of the fictitious name registration is provided to the department;*

B. *Have letters at least six inches (6”) in height;*

C. *Be clearly visible to the public; and*

D. *Comply with local sign ordinances, if any.]*

[2.]1. A temporary sign may suffice during the period of time required to obtain a permanent sign provided the order for construction, purchase, or painting has in fact been placed. A copy of the sign order must be submitted with the application along with a picture of the temporary sign.

[3. A public motor vehicle auction licensee shall display, in a conspicuous manner, two (2) additional signs, each of which shall bear the following warning in letters at least six inches (6”) high: “Attention Buyers: Vehicles sold at this auction may not have had a safety inspection.” The dimensions of each sign shall be at least two feet by two feet (2’ × 2’); and

(F) A new motor vehicle franchise dealer’s business location shall include adequate facilities, tools and personnel necessary to properly service and repair motor vehicles and trailers under the franchiser’s warranty.]

(2) The bona fide established place of business of a licensee must be maintained for the entire licensure period. If the bona fide established place of business is not maintained, the licensee must notify the department within ten (10) days and surrender at that time the licensee’s temporary permits, license, and license plates/certificates of number.

(A) If the licensee intends to relocate prior to the expiration of the license, the department must be informed of such intent at the time the license is surrendered. If the business is then certified at a new location **within the same licensure year**, the department will return the temporary permits, license plates/certificates of number and issue a new license reflecting the new location for no additional fee. The department or its representative reserves the right to determine the existence of a bona fide established place of business at any time.

(3) A licensee who changes its business location during the licensure year must notify the department of that change prior to operating at the new site. The following must be submitted to the department:

(A) A new application certified by authorized law enforcement *[that the new location meets the requirements of a bona fide established place of business]*. “Change of Address” must be indicated at the top of the application.

1. If the business changes locations ninety (90) days or less before the expiration of the current license, a renewal application reflecting the new address should be filed instead of a change of address.

2. If the location change is not effective immediately upon filing the renewal application, a letter indicating the effective date of the address change must accompany the renewal application; and

(4) If a licensee changes the business name during the licensure year, the licensee must notify the department of the name change prior to operating under the new name. The following must be submitted to the department:

(C) A corporate surety bond, bond rider, or revision to the irrevocable letter of credit that reflects the licensee's new business name, **if applicable**.

[(5) When a licensee changes its business name and/or location, it must also file the change with the Office of the Secretary of State.]

[(6)](5) Each business location where a licensee auctions, manufactures, sells, or displays motor vehicles, trailers, [or] boats, or powersports must be licensed separately with the department and pay a separate licensure fee. [However, when a licensee has more than one (1) location in the same city or with the same city mailing address, the licensee may operate under the same name and license number by filing a proper application for each business location with the department and maintaining a bona fide place of business at each location. No additional fees are required for the additional locations in these two (2) cases.]

[(7)](6) A licensee may store cars at a storage lot location other than at the licensed business location, provided the department is notified of the storage location and no sales activity occurs on the storage lot.

AUTHORITY: section 301.553, RSMo 2000 and section 301.560, RSMo Supp. [2002] **2007**. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed Aug. 23, 2002, effective Feb. 28, 2003. Amended: Filed May 15, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate. The Department of Revenue will realize a revenue increase of approximately eighteen thousand three hundred eighty-one dollars and fifty cents (\$18,381.50) each year.

PRIVATE COST: This proposed amendment will cost private entities approximately eighteen thousand three hundred eighty-one dollars and fifty cents (\$18,381.50) each year.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-26.010 Bona Fide Established Place of Business
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimate the annual cost of compliance with the rule by the affected entities
Department of Revenue	Costs: None Revenue Increase per Dealer: \$189.50 Motor Vehicle Commission Fund: \$14,550.00 Highway Fund: \$3,831.50 Total Revenue Increase Each Year: \$18,381.50

III. WORKSHEET

See assumptions below. There will be a \$14,550.00 increase in dealer license fee revenue to the Motor Vehicle Commission Fund each year (\$150.00 licensure fee x 97 dealers). There will be a \$3,831.50 increase in dealer plate revenue to the Highway Fund each year (\$39.50 additional plate fee for initial plate x 97 dealers). Total revenue increase is \$18,381.50.

IV. ASSUMPTIONS

There are currently 97 dealerships that currently have multiple locations within the same city but only one dealer license. This proposed amendment requires these dealerships to obtain separate licenses for each location and pay the \$150.00 licensure fee and initial \$50.00 plate fee (versus the \$10.50 additional plate fee they pay today), resulting in an increase in revenue to the department of \$189.50 per dealership affected. We assume these dealers will not purchase any more dealer plates than they do today, but redistribute the same quantity of plates among their dealerships.

FISCAL NOTE PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	12 CSR 10-26.010 Bona Fide Established Place of Business
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule	Classification by types of the business entities which would likely be affected	Estimate the annual cost of compliance with the rule by the affected entities
97 motor vehicle dealers	Motor vehicle dealers	Costs per dealer: \$189.50 Total costs each year: \$18,381.50

III. WORKSHEET

This proposed amendment requires 97 dealerships to obtain separate licenses for each location and pay the \$150.00 licensure fee and initial \$50.00 plate fee (versus the \$10.50 additional plate fee), resulting in an increase cost of \$189.50 per dealership affected. Total costs per year will be \$14,550.00 in dealer license fees (\$150.00 licensure fee x 97 dealers) and \$3,831.50 in dealer plate fees (\$39.50 additional plate fee for initial plate x 97 dealers). Total cost is \$18,381.50.

IV. ASSUMPTIONS

Currently, 97 dealerships have multiple locations within the same city but only one dealer license. This proposed amendment requires these dealerships to obtain separate licenses for each location and pay the \$150.00 licensure fee and initial \$50.00 plate fee (versus the \$10.50 additional plate fee), resulting in an increase cost of \$189.50 per dealership affected. Total costs per year will be \$14,550.00 in dealer license fees (\$150.00 licensure fee x 97 dealers) and \$3,831.50 in dealer plate fees (\$39.50 additional plate fee for initial plate x 97 dealers). Total cost is \$18,381.50. We assume these dealers will not purchase any more dealer plates than they do today, but redistribute the same quantity of plates among their dealerships.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED AMENDMENT

12 CSR 10-26.040 Fees. The director proposes to amend section (1), delete sections (2) and (4), and renumber section (3).

PURPOSE: Section 301.560, RSMo requires the department to determine the licensure fee for motor vehicle, trailer, and boat dealers; motor vehicle, trailer, and boat manufacturers; and public and wholesale motor vehicle auctions. This amendment revises the licensure fee schedule to accommodate the dealer license number categories established by Senate Bill 82 (2007) and eliminates provisions already in the statute.

(1) License fees must be submitted by applicants according to the fee schedule established below **beginning with applications submitted for the 2009 calendar/licensure year:**

(A) Motor Vehicle Dealer [and/or Manufacturer] or Trailer Dealer	\$150
(B) Boat Dealer [and/or Boat Manufacturer	\$ 80
(E) Motor Vehicle or Trailer Manufacturer	\$150

[(2) An additional fifty-dollar (\$50) fee must be paid by each applicant for the first dealer license plate or certificate of number. Any additional dealer license plates or certificates of number may be obtained for ten dollars and fifty cents (\$10.50) each.]

[(3)](2) If a license is lost, stolen, or destroyed, the licensee may obtain a replacement license for a fee of eight dollars and fifty cents (\$8.50).

[(4) When application for a license is made after the first month of a registration cycle, the license fee, the fifty-dollar (\$50) fee for the initial dealer license plate and additional plate(s)/certificate(s) of number fees shall be prorated on a twelve (12)-month basis. A renewal applicant is subject to the same fees without proration, regardless of the date the application is received.]

AUTHORITY: section[s] 301.553, RSMo 2000 and section 301.560, RSMo Supp. [1998] 2007. Original rule filed Nov. 1, 1999, effective May 30, 2000. Amended: Filed May 15, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 26—Dealer Licensure**

PROPOSED RULE

12 CSR 10-26.210 Dealer Seminar Certification Requirements

PURPOSE: Section 301.560, RSMo requires applicants who apply for a used motor vehicle dealer license to complete a department approved educational seminar course before their applications for license are approved. This rule clarifies what constitutes an "approved educational seminar" for licensing purposes and the requirements for seminar providers.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) An initial application for a used motor vehicle dealer license must be accompanied by proof that the applicant has completed an educational seminar course approved by the department within the last twelve (12) months.

(2) A seminar provider must be a recognized business or school with a lawful presence in the state of Missouri and with demonstrable experience in providing professional education to used motor vehicle dealers. Tangible evidence must be provided that these requirements are met. The provider must submit Form 5110, Application for Dealer Educational Seminar Certification, to be certified by the department. The Application for Dealer Education Seminar Certification, revised March 2008, incorporated by reference, is published by and can be obtained from the Missouri Department of Revenue, PO Box 43, Jefferson City, MO 65105-0043; or on the Department of Revenue's website at <http://www.dor.mo.gov/mvdl/motorv/forms/5110.pdf>. The Application for Dealer Education Seminar Certification does not include any amendments or additions to the March 2008 edition. A seminar provider must have—

(A) A minimum of two (2) instructors meeting departmental requirements with the knowledge and capability to conduct the required seminar curriculum. A list of certified instructors must be provided to the director;

(B) Staff capable of providing information about the seminars and registering prospective attendees;

(C) An available telephone number, fax line, and Internet access available during normal working hours (Monday through Friday) to enable potential attendees to inquire about and register for seminars;

(D) A minimum of one (1) scheduled seminar per month, which must be posted on the provider's website at least thirty (30) days in advance. The seminar schedule and locations must be publicized by the provider with registration information and necessary forms obtainable through the provider's website.

1. If a scheduled seminar has no registered attendees and the provider opts to cancel, notification must be posted clearly on the provider's website at least forty-eight (48) hours prior to the seminar's scheduled start time.

2. If advanced cancellation notice is not posted as indicated above, a certified instructor must be at the seminar's scheduled location at the scheduled time;

(E) Capability to issue each attendee a certificate of completion at the end of each seminar; and

(F) An accurate and current electronic database of seminar attendees, maintained by the provider for a minimum of one (1) year. The provider must confirm all seminar attendees' identity through display of a non-expired federal or state-issued photo identification card, with the capability to electronically transmit attendee information to the department as required. These records must be available on demand and are subject to audit by the director without prior notice.

(3) Dealer educational seminar curriculum must be presented in a classroom setting for a minimum of six (6) hours and include detailed training regarding compliance with—

(A) Sections 301.550 to 301.573, RSMo, and all rules promulgated by the department to implement, enforce, and administer these statutes;

(B) Federal Trade Commission's Used Car Rule;

(C) Federal Privacy Protection requirements under the Gramm-Leach-Bliley Act;

(D) Truth-in-Lending requirements;

(E) Equal Credit Opportunity Act;

(F) The United States of America Patriot Act;

(G) Federal and state laws and regulations regarding deceptive and unfair trade practices;

(H) Uniform Commercial Code regulations;

(I) U. S. Treasury Department rules and cash reporting requirements; and

(J) Any other federal or state laws regulating the business of selling and financing motor vehicles.

(4) A seminar instructor must provide evidence to the director to verify (1) one of the following minimum qualification requirements is met:

(A) Two (2) years of experience in the motor vehicle dealer industry with expertise in the field of regulatory compliance;

(B) Two (2) years of experience as an assistant dealer seminar instructor;

(C) One (1) year in an appropriate position with a professional organization associated with the automobile dealer business (e.g., Missouri Automobile Dealer's Association instructor or Missouri Independent Automobile Dealer's Association policy writer); or

(D) One (1) year of experience as an investigator dealing with state and federal motor vehicle dealer compliance laws.

(5) Seminar instructors certified by the department must—

(A) Utilize training materials when conducting the seminar;

(B) Incorporate course curriculum into reference/resource manuals to be distributed to attendees and provide periodic updates to ensure current and accurate information applicable to dealer's operations;

(C) Provide instruction using computerized slide presentations and provide worksheets/handouts to each attendee, including compliant sample forms required by state and federal law; and

(D) Make available to the director, upon request, copies of all training materials (manuals, handouts, presentations, etc.) for review.

(6) Seminar providers must recertify by submitting a new Application for Dealer Educational Seminar Certification, Form 5110, to the department by September 1 of each year.

(7) Failure to hold scheduled or rescheduled seminars or maintain acceptable standards of training or providing false information to the director will result in the provider's certification becoming invalid upon notice by the director.

AUTHORITY: sections 301.560 to 301.573, RSMo 2000 and Supp. 2007. Original rule filed May 15, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, Governmental

Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 17—BOARDS OF POLICE COMMISSIONERS

Division 20—St. Louis Board of Police Commissioners

Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.025 Definitions. The Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis is amending sections (5) and (6).

PURPOSE: This amendment allows police officers with a metropolitan license to work on private property.

(5) Designated area—The established property owned or leased to which a licensed security person is assigned by his/her employer or contracting company. Generally, the authority of a private security officer exists only within this designated area and applies only to incidents occurring within that area. This includes the term "licensed premises." **Police officers with the St. Louis County Police Department who have a valid metropolitan security license through their agency may work on any private property where security is contracted.**

(6) Firearm[—]/Gun—[d]/Double action .38 Special caliber revolver only, **or any other firearm approved by the board of police commissioners.**

AUTHORITY: section 84.340, RSMo 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed Feb. 13, 2002, effective Aug. 30, 2002. Amended: Filed May 14, 2008.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Private Security Division, Sgt. Sherri Smith, 5600 Oakland, Tower "G" 330, St. Louis, MO 63110, FAX: 314-644-9053, or email at slsmith@slmpd.org; with copies to Jane Berman Shaw, General Counsel, Legal Division, St. Louis Metropolitan Police Department, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5611, jshaw@slmpd.org, and Captain Thomas Magnan, Bureau of Professional Standards, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5711, tmagnan@slmpd.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 17—BOARDS OF POLICE COMMISSIONERS

Division 20—St. Louis Board of Police Commissioners

Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.035 Licensing. The Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis is amending sections (1), (3), and (8).

PURPOSE: *This amendment requires applicants to obtain a security license to work as security officers.*

(1) General Procedures. Each applicant must appear in person at the office of the private security section. Each applicant must complete an application form. S/he must provide all information requested in the application for a determination of his/her qualifications to hold a license as a private security officer. Each applicant must present a current letter (no older than ten (10) days) from the intended employer where the proposed employer states an intention to hire the applicant. Prior to an application being processed by the private security section, a criminal history inquiry will be made through the St. Louis Police Department's computer terminal. If the inquiry reveals that the applicant has an open criminal arrest record, s/he will be required to obtain a certified final court disposition or a report from a circuit or prosecuting attorney. If the case is still open, the application process will not be completed until a final disposition is obtained. Police officers from other jurisdictions, **including St. Louis County Police, St. Louis Airport Police, St. Louis Deputy Sheriffs, and St. Louis City Marshals**, serving or acting as private security officers do not possess police powers at the location of their assignments in the City of St. Louis unless licensed by the board of police commissioners of the City of St. Louis.

(A) All St. Louis Airport Police Officers, St. Louis Deputy Sheriffs, and St. Louis City Marshals desiring to obtain a security license to work as security officers in the City of St. Louis will be processed and trained through the St. Louis Metropolitan Police Department Private Security Section.

(B) Municipal police officers who desire to work security in the City of St. Louis must first obtain a valid metropolitan license from the St. Louis Metropolitan Police Department Private Security Section. While working in the City of St. Louis, the officer must display a badge/identification card clearly showing the name of the company for which s/he is working.

(C) Police officers from outside the state of Missouri must first obtain a valid license from the St. Louis Metropolitan Police Department Private Security Section. Applicants will be processed in the normal manner and will be required to complete the security officer training class after a satisfactory background check has been conducted. Police officers from states other than Missouri may not wear their department uniforms while working security in the City of St. Louis.

(3) Issuance/Denial of License. When an applicant has successfully completed the requirements set by the board of police commissioners, the board will issue a license. An applicant may be denied a license for any of the following reasons:

(F) Resigned under investigation, resigned under charges, or was discharged from any police force; *[and]*

(G) Has been denied a security license by any agency/.; *and*

(H) The employer is not in good standing with the board of police commissioners.

(8) License Renewals. A private security officer's license is valid for one (1) year from date of issue and it must be renewed in the month it expires.

(C) If firearms-qualified, the private security officer wishing to renew a license must provide proof of requalification through an approved firearms course. The private security officer must also submit a urine specimen for drug testing according to the provisions of these rules and regulations, **unless otherwise exempted**.

AUTHORITY: *section 84.340, RSMo 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed Feb. 13, 2002, effective Aug. 30, 2002. Amended: Filed May 14, 2008.*

PUBLIC COST: *This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will cost private entities less than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with the Private Security Division, Sgt. Sherri Smith, 5600 Oakland, Tower "G" 330, St. Louis, MO 63110, FAX: 314-644-9053, or email at slsmith@slmpd.org; with copies to Jane Berman Shaw, General Counsel, Legal Division, St. Louis Metropolitan Police Department, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5611, jshaw@slmpd.org, and Captain Thomas Magnan, Bureau of Professional Standards, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5711, tjmagnan@slmpd.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 17—BOARDS OF POLICE COMMISSIONERS

Division 20—St. Louis Board of Police Commissioners

Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.065 Authority. The Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis is amending section (1).

PURPOSE: *This amendment establishes the arrest powers of a licensed security officer.*

(1) Authority. Private security officers have the authority to make an arrest and to search for and seize evidence in connection with the arrest, at the location, and during the time of their assignments, under the same conditions as members of the police force of the City of St. Louis as outlined below:

(F) Off his/her licensed premises but only while escorting employer or employer's designee, by the most direct route, to and/or from a bank or other financial institution for the purpose of making a cash deposit or withdrawal; *[and]*

(G) The authority granted private security officers herein is limited and said limitations shall be strictly construed. It does not permit private security officers to serve as bodyguards, process servers or investigators for attorneys. Operators of security agencies should be aware of these restrictions and should also be aware that violation thereof could result in the suspension or revocation of a private security officer's license by the board of police commissioners./.;

(H) In specific circumstances, with the consent of the chief of police, uniformed security officers may be empowered to direct traffic on city streets adjacent to their employer's property, provided they have successfully completed a training program in traffic direction and control, sponsored by the Traffic Safety Division of the St. Louis Metropolitan Police Department; and

(I) Private security officers successfully completing training in traffic direction and control, sponsored by the Traffic Safety Division of the St. Louis Metropolitan Police Department, and at the discretion of the chief of police, may be subject to activation to assist with traffic direction and control at any location in the City of St. Louis as established in the Code 1200 Department Emergency Mobilization Manual, Section III (6) Bureau of Professional Standards (b) Private Security Section.

AUTHORITY: *section 84.340, RSMo 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed Feb. 13, 2002, effective Aug. 30, 2002. Amended: Filed May 14, 2008.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Private Security Division, Sgt. Sherri Smith, 5600 Oakland, Tower "G" 330, St. Louis, MO 63110, FAX: 314-644-9053, or email at slsmith@slmpd.org; with copies to Jane Berman Shaw, General Counsel, Legal Division, St. Louis Metropolitan Police Department, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5611, jshaw@slmpd.org, and Captain Thomas Magnan, Bureau of Professional Standards, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5711, tjmagnan@slmpd.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 17—BOARDS OF POLICE COMMISSIONERS Division 20—St. Louis Board of Police Commissioners Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.075 Duties. The Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis is amending section (1).

PURPOSE: This amendment clarifies responsibilities of the officers on duty.

(1) Duties. It is the duty of every licensed security officer:

(C) To cooperate with St. Louis police officers in the performance of their duties.

1. Participation by licensed private security officers, on duty or off duty, in police action where police officers are on the scene, shall be limited to identifying themselves to the officer(s) and offering assistance.

2. The judgement of the [officer(s)] **St. Louis Metropolitan Police on-duty police officers** shall prevail in any situation where police are present. They are responsible for the proper handling and reporting of the incident in accordance with departmental policies.

3. Failure to cooperate with a St. Louis police officer may be cause for disciplinary action against a licensed private security officer.

4. Failure to assist a law enforcement agency or to aid in prosecution of a crime may be cause for disciplinary action against a licensed private security officer; and

AUTHORITY: section 84.340, RSMo 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed Feb. 13, 2002, effective Aug. 30, 2002. Amended: Filed May 14, 2008.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Private Security Division, Sgt. Sherri Smith, 5600 Oakland, Tower "G" 330, St. Louis, MO 63110, FAX: 314-644-9053, or email at slsmith@slmpd.org; with copies to Jane Berman Shaw, General

Counsel, Legal Division, St. Louis Metropolitan Police Department, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5611, jshaw@slmpd.org, and Captain Thomas Magnan, Bureau of Professional Standards, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5711, tjmagnan@slmpd.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 17—BOARDS OF POLICE COMMISSIONERS Division 20—St. Louis Board of Police Commissioners Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.085 Uniforms. The Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis is amending sections (1) and (2).

PURPOSE: This amendment, 17 CSR 20-2.085, proposed change is requested to allow police officers from other jurisdictions within the state of Missouri, St. Louis Airport Police, St. Louis City Deputy Sheriffs, and St. Louis City Marshals to wear their department's uniform while working secondary employment as security officers within the City of St. Louis.

(1) [No private security uniforms may resemble those of St. Louis police officers. The light blue shirt with dark blue jacket and trousers will not be duplicated. In addition, a] A company shoulder patch will be mandatory on all shirts, coats, and jackets of private security personnel, clearly identifying them as employees of that agency.] who are not paid, full-time Missouri Peace Officers Standards and Training (POST) certified police officers, having a minimum of six hundred (600) hours of POST certified training, St. Louis Airport Police, St. Louis City Deputy Sheriffs, or St. Louis City Marshals. All paid, full-time Missouri POST certified police officers, having a minimum of six hundred (600) hours of POST certified training, will provide the private security section with written documentation from the head law enforcement officer of their department indicating approval of their wearing of their department's official police uniform while working licensed security in the City of St. Louis.

(A) Police officers who do not satisfy the above certification requirements shall be required to wear the company uniform for which they are employed, and are not eligible to wear their department's official police uniform.

(2) All private security officers should be aware of the following guidelines:

(A) All private security officers are required to wear a uniform, which, at a minimum, shall consist of trousers or skirt, and shirt or blouse. [The word "police" will not be displayed anywhere on the private security officer's uniform. This extends to police officers from other jurisdictions while working as security officers in the City of St. Louis;] The word "police" shall only be displayed on uniforms of police officers acting in the capacity of private security officers who are state of Missouri POST certified police officers having a minimum of six hundred (600) hours of training and have been approved for licensing by the chief of police and board of police commissioners or St. Louis Airport police officers. Verification of the officer's POST certification is required;

(D) Security personnel may wear a company badge or emblem as devised by their employer. These badges and emblems bear the name of the employer and identify the individual as a private security officer. The word "police" will not be used on the badge or emblem, except as otherwise provided;

(E) A company shoulder patch [may be worn on either the right or left sleeve approximately one inch (1") below the shoulder seam;] will be mandatory on all shirts, coats, and jackets of private security personnel. The patch may be worn on the right or left sleeve approximately one inch (1") below the shoulder seam. POST certified police officers with a minimum of six hundred (600) hours of training wearing their approved department uniforms while working security in the City of St. Louis are exempt from this requirement;

AUTHORITY: section 84.340, RSMo 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed Feb. 13, 2002, effective Aug. 30, 2002. Amended: Filed May 14, 2008.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Private Security Division, Sgt. Sherri Smith, 5600 Oakland, Tower "G" 330, St. Louis, MO 63110, FAX: 314-644-9053, or email at slsmith@slmpd.org; with copies to Jane Berman Shaw, General Counsel, Legal Division, St. Louis Metropolitan Police Department, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5611, jshaw@slmpd.org, and Captain Thomas Magnan, Bureau of Professional Standards, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5711, tjmagnan@slmpd.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 17—BOARDS OF POLICE COMMISSIONERS Division 20—St. Louis Board of Police Commissioners Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.105 Weapons. The Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis is amending sections (1), (2), (4), and (5).

PURPOSE: This amendment explains the limitations for officers who carry weapons.

(1) Limitations on Carrying Weapon. An armed private security officer licensed by the St. Louis Board of Police Commissioners may be permitted to carry on his/her person an authorized firearm, while traveling in either direction by the most direct route (without deviation and/or not to exceed one (1) hour) between his/her residence and place of assignment provided s/he is—

(B) Firearms-qualified; *and*

(C) Wearing a valid badge/identification card issued by this department.; *and*

(D) Full-time, off-duty Missouri Peace Officers Standards and Training (POST) certified police officers with a minimum of six hundred (600) hours of training are exempt from this requirement.

(2) Private security officers who are authorized to carry their firearms to and from their place of residence have no authority to use their firearms during that travel period.

(B) A firearm and protective devices may not be carried off assigned premises for any nonduty related activities (lunch, fueling cars, personal relief, etc.). **Full-time, off-duty Missouri POST cer-**

tified police officers and St. Louis Airport Police Officers are exempt from this requirement.

(4) Inspection and Registration. All firearms used by private security officers must be inspected by the department armorer or his/her designee and must be registered and on file in the private security section. Armed security officers may only use a duty weapon which is personally owned by them, or owned by their agency.

(B) **Except as provided above, /P/**private security officers must carry double action .38 Special caliber revolvers. The carrying of any other caliber weapon, including semiautomatics, derringers, .357 Magnums, and shotguns, is prohibited. Only factory loaded, commercially available ammunition may be carried.

(5) Requirements for Police Officers from Other Jurisdictions Carrying Duty Weapons. Police officers from other jurisdictions working as security officers in the City of St. Louis may be permitted to carry their department duty weapon upon satisfying the following requirements:

(A) The officer must be a full-time employee of his/her agency and must submit a letter to the private security section from **the chief law enforcement officer** of his/her department indicating that the officer is a full-time commissioned officer;

(C) The officer must present a letter from **the chief law enforcement officer** of his/her department indicating the make, model and serial number of the weapon that they are allowed to carry while working for their department;

(D) The officer must present a letter from **the chief law enforcement officer** of his/her department indicating a policy that requires the officer to requalify with the duty weapon a minimum of twice each year, **and that the officer is subject to random drug testing;**

(E) The firearm must be approved by our department armorer and the armorer must indicate that the weapon has been approved and prepare a letter indicating approval of the weapon; *and*

(F) All other part-time police officers and reserve officers from other jurisdictions are required to carry a .38 caliber revolver while working security within the City of St. Louis and are required to successfully complete the firearms training program mandated by the board of police commissioners. **St. Louis Deputy Sheriffs and St. Louis City Marshals may carry a semiautomatic nine millimeter (9mm) firearm if that is their duty weapon, or a .38 Special caliber revolver; and**

(G) **Tasers or other devices not specifically permitted may not be carried or used by security officers or police officers working security, unless specifically exempted by the board of police commissioners.**

AUTHORITY: section 84.340, RSMo 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed Feb. 13, 2002, effective Aug. 30, 2002. Amended: Filed May 14, 2008.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Private Security Division, Sgt. Sherri Smith, 5600 Oakland, Tower "G" 330, St. Louis, MO 63110, FAX: 314-644-9053, or email at slsmith@slmpd.org; with copies to Jane Berman Shaw, General Counsel, Legal Division, St. Louis Metropolitan Police Department, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5611, jshaw@slmpd.org, and Captain Thomas Magnan, Bureau of Professional Standards, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5711, tjmagnan@slmpd.org. To be considered, comments must

be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.125 Complaint/Disciplinary Procedures. The Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis is amending subsection (6)(B).

PURPOSE: This amendment explains the exemptions for officers carrying weapons.

(6) Disciplinary Action and/or Punishment.

(B) Licensed security personnel, whether on or off duty, are subject to disciplinary action for violations of these rules. Offenses may include, but not be limited to, the following:

1. Conviction of a felony, misdemeanor or city ordinance;
2. Intoxication or drinking on duty;
3. Possession or illegal use of narcotic or potent drugs (controlled substance);
4. Assumption of police authority when not on duty;
5. Conduct contrary to the public peace and welfare;
6. Interference with any police officer engaged in the performance of his/her duties;
7. Overbearing or oppressive conduct during the performance of duty;
8. Failure to obey a reasonable order by an officer of the St. Louis Metropolitan Police Department;
9. Any conduct or actions which might jeopardize the reputation or integrity of the St. Louis Metropolitan Police Department or its members;
10. Failure to comply with the firearm restrictions, while traveling in either direction, without deviation between their residences and places of assignment by the most direct route (not to exceed one (1) hour);
11. Carrying any weapon other than a .38 Special caliber revolver while performing the duties of a private security officer, **unless specifically exempted**;
12. Failure to have a weapon inspected by the department armorer and/or his/her designee, not having a record of this weapon on file with the private security section;
13. Carrying more than one (1) authorized *[revolver]* firearm on duty;
14. Failure to wear a valid badge/identification card issued by this department on the breast of the outermost garment of security uniform, while on duty;
15. Failure to have in possession a badge/identification card authorizing uniform exemption while working in civilian attire;
16. Serving or acting as a licensed private security officer for any agency or business entity other than the one listed on his/her badge/identification card, **except officers of the St. Louis County Police Department**;
17. Failure to conform to uniform requirements;
18. Working as a licensed security person while under suspension;
19. Carrying a firearm concealed or otherwise in civilian attire and/or not actually engaged in providing a *bona fide* security function at the time;
20. Carrying or using a firearm while performing the duties of a licensed private security officer when not firearms qualified;
21. Any conduct constituting a breach of security or confidence;
22. Neglect of duty;

23. Failure to notify the private security section when and if arrested on any charge;
24. Failure to aid in prosecution;
25. Defacing or altering the badge/identification card;
26. Carrying unauthorized non-lethal weapons and/or protective devices;
27. Using unnecessary force in effecting an arrest or discourteous treatment or verbal abuse of any person;
28. Submitting a urine specimen which tests positive for controlled substances;
29. Failure to maintain on file at the private security section a current address and telephone number;
30. Failed to surrender badge/identification card to the private security section when license has been suspended;
31. Failure to cooperate in an investigation conducted by the private security section;
32. Identifying himself/herself as a police officer; and
33. Engaging in a vehicular pursuit.

AUTHORITY: section 84.340, RSMo 2000. Original rule filed April 8, 1988, effective July 11, 1988. Amended: Filed Feb. 13, 2002, effective Aug. 30, 2002. Amended: Filed May 14, 2008.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Private Security Division, Sgt. Sherri Smith, 5600 Oakland, Tower "G" 330, St. Louis, MO 63110, FAX: 314-644-9053, or email at slsmith@slmpd.org; with copies to Jane Berman Shaw, General Counsel, Legal Division, St. Louis Metropolitan Police Department, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5611, jshaw@slmpd.org, and Captain Thomas Magnan, Bureau of Professional Standards, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5711, tjmagnan@slmpd.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 17—BOARDS OF POLICE COMMISSIONERS
Division 20—St. Louis Board of Police Commissioners
Chapter 2—Private Security Officers

PROPOSED AMENDMENT

17 CSR 20-2.135 Drug Testing. The Board of Police Commissioners of the Metropolitan Police Department of the City of St. Louis is amending subsection (1)(A).

PURPOSE: This amendment clarifies drug testing requirements for individuals seeking certification.

(1) Applicability. The following shall apply to all individuals seeking certification in any security category, including corporate security advisor, security officer, courier, as well as to all individuals seeking renewal or reinstatement of certification:

(A) Any individual seeking certification as an armed security officer, or any individual seeking reinstatement of certification, shall submit to urinalysis testing before certification is granted, renewed, or reinstated. This testing shall be for the purpose of determining the presence or absence of illegal drugs. Refusal to comply with this requirement shall result in the denial of certification, renewal of certification,

or reinstatement of certification as an armed security officer, corporate security advisor, or courier, **except as otherwise provided**;

AUTHORITY: section 84.340, RSMo 2000. Original rule filed April 16, 1990, effective June 28, 1990. Amended: Filed June 30, 1992, effective Feb. 26, 1993. Amended: Filed Feb. 13, 2002, effective Aug. 30, 2002. Amended: Filed May 14, 2008.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Private Security Division, Sgt. Sherri Smith, 5600 Oakland, Tower "G" 330, St. Louis, MO 63110, FAX: 314-644-9053, or email at slsmith@slmpd.org; with copies to Jane Berman Shaw, General Counsel, Legal Division, St. Louis Metropolitan Police Department, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5611, jshaw@slmpd.org, and Captain Thomas Magnan, Bureau of Professional Standards, 1200 Clark, St. Louis, MO 63103, FAX: 314-444-5711, tjmagnan@slmpd.org. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 200—Insurance Solvency and Company
Regulation
Chapter 6—Surplus Lines**

PROPOSED AMENDMENT

20 CSR 200-6.100 Surplus Lines Insurance Forms. The director is amending sections (1) and (2).

PURPOSE: The primary purpose of this amendment is to mandate the use of electronic filing of surplus lines reports; electronic filing is currently optional. This amendment will also make minor, nonsubstantive changes to the rule.

(1) Forms.

(A) **Surplus Lines Filing Report**—Appendix 1 is the method prescribed by the director of the Missouri Department of Insurance, **Financial Institutions and Professional Registration** for filing the confidential written report required by section 384.031, RSMo. The **Surplus Lines Filing Report**—Appendix 1 data [may] **must** be filed [manually by U.S. mail, express courier delivery, or personal delivery or] electronically using the systems, software, and/or method prescribed by the director.

(B) **Surplus Lines Licensee's Tax Report**—Appendix 3 is the method prescribed by the director of the Missouri Department of Insurance, **Financial Institutions and Professional Registration** for filing the annual report required by section 384.057, RSMo. The **Surplus Lines Licensee's Tax Report**—Appendix 3 data [may] **must** be filed [manually by U.S. mail, express courier delivery, or personal delivery or] electronically using the systems, software, and/or method prescribed by the director.

(C) Copies of the forms are available at the department's office, at the department website, www.insurance.mo.gov, or by mailing a written request to the Department of Insurance, **Financial Institutions and Professional Registration**, PO Box 690, Jefferson City, MO 65102.

(2) Proof of filing.

[(A) Proof of filing will be provided to the surplus lines licensee making the filings if the surplus lines licensee encloses a duplicate copy of filings and a self-addressed, stamped envelope.

(B)] Proof of filing will be provided to the surplus lines licensee making electronic filings by means or methods prescribed by the director of the Missouri Department of Insurance, **Financial Institutions and Professional Registration**.

*AUTHORITY: sections 374.045, 384.017, 384.031, and 384.057, RSMo 2000. This rule was previously filed as 4 CSR 190-10.103. Original rule filed May 4, 1987, effective Aug. 1, 1987. For intervening history, please consult the **Code of State Regulations**. Amended: Filed May 14, 2008.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will save private entities eighteen thousand seven hundred nine dollars (\$18,709)) annually.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 1:30 p.m. on July 18, 2008 at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment until 5:00 p.m. on July 18, 2008. Written statements shall be sent to Elfin Noce, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	20 CSR 200-6.100 Surplus Lines Insurance Forms
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate as to the annual cost of compliance with the rule by the affected entities:
350	Surplus Lines Licensees	\$18,709.00 Annual cost savings

* The aggregate cost to licensed insurance companies includes the aggregate cost to all licensees.

III. WORKSHEET

56,000 X \$.10 =	\$ 5,600.00
56,000 X \$.10 =	\$ 5,600.00
56,000 X \$.41 =	\$ 22,960.00
900 X \$ 3.62 =	\$ 3,258.00
	\$ 37,418.00
	÷ 2
	\$ 18,709.00

The cost of printing one copy of the appendix 1 is assumed to be about \$.10 based on a conservative estimate of about 56,000 appendix 1's per year X 2. Approximately 700 surplus lines licensees will file tax reports averaging from 1 page to 550 pages.

Cost savings from filing electronically are based on the assumption that every surplus lines licensee will avoid filing by mail the appendix 1 filings and tax reports. The mailing cost of 2 copies of the appendix 1 is assumed to be \$.41. The mailing cost for tax reports, mailed UPS Ground is assumed to be \$3.62. Currently, about half the surplus lines licensees file their reports electronically; accordingly, the proposed amendment would effect cost savings for only the other half the surplus lines licensees.

IV. ASSUMPTIONS

"Surplus lines licensee" means a person licensed to place insurance on risks resident, located or to be performed in this state with nonadmitted insurers eligible to accept such insurance.

The proposed amendment does not have a sunset clause. Accordingly, the fiscal impact of the proposed amendment cannot be estimated on an aggregate basis. An estimate of the maximum possible annual fiscal impact based on present value is provided instead.

The proposed amendment will affect the surplus lines licensees by requiring them to file electronically. The present rule requires all licensees to file with the Missouri Department of Insurance, Financial Institutions and Professional Registration within 30 days after placing the risk and an annual tax report hard copy listing each appendix 1 by March 1st of each year either electronically or manually with two hard copies of each appendix 1 filing. Accordingly, the proposed amendment imposes no costs but should result in cost savings, consisting primarily of the avoidance of printing and mailing costs.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 400—Life, Annuities and Health
Chapter 7—Health Maintenance Organizations**

PROPOSED AMENDMENT

20 CSR 400-7.180 Standard Form To Establish Credentials. The director is amending sections (1), (2), (3), and (5) and deleting Exhibit A which follows the rule in the *Code of State Regulations*.

PURPOSE: This amendment sets forth the standard form which shall be used by all health carriers when soliciting the credentials of a health care professional in a managed care plan. This rule is promulgated pursuant to section 354.485, RSMo, and implements section 354.442.1(15), RSMo.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Definitions.

(A) Health care professional means a physician or other **appropriately licensed** health care practitioner [licensed, accredited or certified by the state of Missouri to perform specified health services consistent with state law].

(2) [The form provided in Exhibit A] **The Universal Credentialing DataSource form (Form UCDS), incorporated by reference and published on October 31, 2006 by the Council for Affordable Quality Healthcare, 601 Pennsylvania Avenue, NW, South Building, Suite 500, Washington, DC 20004, has been adopted and shall be used by all health carriers and their agents when credentialing or recredentialing health care professionals in a managed care plan. The director on request will supply in printed format the form specified in this rule. The form referenced herein is available at <http://www.insurance.mo.gov>. This rule does not incorporate any subsequent amendments or additions.** Use of another [state's] standardized credentialing form is permissible so long as the director determines prior to its use that it is substantially similar to [the form in Exhibit A] **Form UCDS**. Carriers shall accept any form approved by the director for credentialing purposes, and shall not require a Missouri health care professional to use any particular approved form to the exclusion of any other approved form, so long as the form submitted by the Missouri health care professional is Missouri's Standardized Credentialing Form or any other form approved pursuant to this rule. Requests for the director's approval of the use of another [state's] standardized credentialing form should be submitted to the following address: Missouri Department of Insurance, Managed Care Section, P.O. Box 690, Jefferson City, MO 65102-0690. A request must include a complete copy of the form to be approved and the name, address, and telephone number of the person requesting approval. The director will provide written notice to all Missouri licensed health maintenance organizations of the approval of the use of another [state's] standardized credentialing form. The director also will provide on the department's Internet home page a copy of Missouri's Standardized Credentialing Form with a list of other [state] standardized credentialing forms that have been approved.

(3) Health carriers may request additional information to explain or provide details regarding responses obtained on the standard form.

Health carriers and their agents are prohibited from routinely requiring additional information, or information that duplicates information on Form UCDS, from health care professionals.

(5) [A health carrier may require a health care professional to sign an affirmation and release of the health carrier's own design.] **Accurate reproduction of the form may be utilized in lieu of the printed form. This includes, but is not limited to, accurate reproduction in paper, electronic, or Internet based formats. Health carriers and their agents shall accept an accurate reproduction, and shall not require a health care professional to use any particular accurate reproduction to the exclusion of any other accurate reproduction, except that a health carrier or agent may require a paper format if a health care professional submits an electronic or Internet based format that the health carrier or agent is not prepared to accept.**

AUTHORITY: section 354.442.1(15), RSMo [Supp. 1999] 2000 and section 354.485, RSMo [1994] Supp. 2007. Original rule filed Nov. 3, 1997, effective June 30, 1998. Amended: Filed June 6, 2000, effective Feb. 28, 2001. Amended: Filed May 14, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will cost licensed HMOs up to twenty thousand dollars (\$20,000) annually. The proposed amendment will cost private physicians and other medical practitioners, hospitals, and HMO subcontractors up to ninety thousand dollars (\$90,000) in one-time up front costs.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 9:00 a.m. to 11:00 a.m. on July 29, 2008 at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on July 29, 2008. Written statements shall be sent to Elfin L. Noce, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	20 CSR 400-7.180 Standard Form To Establish Credentials
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
22	Licensed HMOs	\$0 - \$20,000* in one-time up front costs, and in on-going costs
Approximately 148 Missouri hospitals and an unknown number of other types of entities indirectly subject to the current and proposed regulation	Private physicians and other medical practitioners Hospitals HMO subcontractors	\$0 - \$90,000* in one-time up front costs

III. WORKSHEET

There is no math involved with the cost estimates. Cost data was supplied by HMOs and other entities affected by the proposed rule change. In cases where that information was supplied in writing, copies are attached.

IV. ASSUMPTIONS

There are no costs for the state agency. There are no fees payable to the state agency.

The state agency solicited cost data from all licensed HMOs in Missouri, and all indirectly affected entities to the extent the state agency was able to identify and contact such entities.

The majority of directly and indirectly affected entities that supplied information to the state agency indicated a fiscal benefit of the proposed change, as opposed to any cost whatsoever.

The only mandated costs are those associated with adopting a form, such as staff training.

*Non-mandatory costs for informational purposes:

- Fees associated with utilizing the internet based data service to download data are NOT mandated by the proposed rule change, although they are included in the worksheet for informational purposes.
- Printing the form, a more tangible cost, is included in the estimate for informational purposes, but is NOT mandated by the proposed rule amendment.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

PROPOSED AMENDMENT

20 CSR 700-1.140 Minimum Standards of Competency and Trustworthiness for Insurance Producers Concerning Personal Insurance Transactions. The director is adding a new section (6).

PURPOSE: This amendment defines conduct that may subject an insurance producer to discipline under section 374.141.1(8), RSMo, relating to the use of certifications and professional designations. The language is similar to that in the North American Securities Administrators Association (NASAA) model rule on the use of senior-specific certifications and professional designations, adopted by NASAA on March 20, 2008.

(6) It shall be a dishonest or unethical practice in the business of insurance for an insurance producer to use a senior-specific certification or designation in connection with the sale, solicitation, or negotiation of insurance, either directly or indirectly or through publications or writings, or by issuing or promulgating analyses or reports relating to insurance products, that indicates or implies that the user has special certification or training in advising or servicing elderly or senior persons, in such a way as to mislead any person.

(A) The prohibited use of such certifications or professional designation includes, but is not limited to, the following:

1. Use of a certification or professional designation by a person who has not actually earned or is otherwise ineligible to use such certification or designation;
2. Use of a nonexistent or self-conferred certification or professional designation;
3. Use of a certification or professional designation that indicates or implies a level of occupational qualifications obtained through education, training, or experience that the person using the certification or professional designation does not have; and
4. Use of a certification or professional designation that was obtained from a designating or certifying organization that is not qualified.

(B) A designating or certifying organization is “qualified” for purposes of paragraph (7)(A)4. above, when the organization has been accredited by:

1. The American National Standards Institute;
2. The National Commission for Certifying Agencies; or
3. An organization that is on the United States Department of Education’s list entitled “Accrediting Agencies Recognized for Title IV Purposes” and the designation or credential issued therefrom does not primarily apply to sales and/or marketing.

(C) In determining whether a combination of words (or an acronym standing for a combination of words) constitutes a certification or professional designation indicating or implying that an adviser has special certification or training in advising or servicing senior citizens or retirees, factors to be considered shall include:

1. Use of one or more words, such as “senior,” “retirement,” “elder,” or like words, combined with one or more words, such as “certified,” “registered,” “chartered,” “adviser,” “specialist,” “consultant,” “planner,” or like words, in the name of the certification or professional designation; and
2. The manner in which those words are combined.

(D) For purposes of this rule—

1. “Certification or professional designation” does not include a job title within an organization that is licensed or reg-

istered by a state or federal financial services regulatory agency, when that job title:

A. Indicates seniority or standing within the organization; or

B. Specifies an individual’s area of specialization within the organization;

2. “Elderly or senior person” is a person sixty (60) years of age or older; and

3. “Federal financial services regulatory agency” includes, but is not limited to, any agency that regulates—

A. Broker-dealers;

B. Investment advisers; or

C. Investment companies as defined under the Investment Company Act of 1940.

(E) Nothing in this rule shall limit the director’s authority to enforce existing provisions of law.

(F) This section shall take effect on January 1, 2009.

AUTHORITY: section 374.045, RSMo 2000 and section 375.141, RSMo Supp. 2007. Original rule filed April 5, 1991, effective Oct. 31, 1991. Amended: Filed Nov. 29, 1993, effective July 30, 1994. Amended: Filed July 12, 2002, effective Feb. 28, 2003. Amended: Filed Nov. 30, 2007, effective July 30, 2008. Amended: Filed April 30, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 9:00 a.m. on July 21, 2008. The public hearing will be held at the Harry S. Truman State Office Building, 301 West High Street, Room 530, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on July 25, 2008. Written statements shall be sent to Tamara Kopp, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts
Chapter 7—Licensing of Physician Assistants**

PROPOSED AMENDMENT

20 CSR 2150-7.137 Waiver Renewal. The board is proposing to amend section (7).

PURPOSE: This amendment clarifies the requirements for on-site supervision to be consistent with 20 CSR 2150-7.135 and 20 CSR 2150-7.136.

(7) If the advisory commission and the board approve a request for renewal, the advisory commission and board may establish an alternate minimum amount of time the supervising physician must be on-site

while the physician assistant practices. The physician must be on-site a minimum of once every two (2) weeks **and no less than ten percent (10%) of the time the physician assistant is practicing each calendar month.** The advisory commission and board may also establish an alternate maximum distance between the supervising physician and physician assistant. The alternate maximum distance may not exceed fifty (50) miles.

AUTHORITY: section 334.125, RSMo 2000 and section 334.735, RSMo Supp. 2007. Original rule filed Oct. 19, 2007, effective May 30, 2008. Amended: Filed May 9, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, Tina Steinman, Executive Director, PO Box 4, Jefferson City, MO 65102, by faxing comments to (573) 751-3166, or by emailing comments to healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2210—State Board of Optometry
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2210-2.011 Licensure by [Reciprocity] Endorsement. The board is proposing to amend the title of the rule, the original purpose statement, section (1), subsections (1)(A) through (1)(E) and (1)(G), and sections (2) and (3).

PURPOSE: Pursuant to House Bill 780 and Senate Bill 308 of the 94th General Assembly (2007) the board is amending the text of the rule to be consistent with Chapter 336, RSMo. This amendment also clarifies the requirements and procedures for obtaining a license by endorsement and changes the title of the rule.

PURPOSE: This rule states the requirements and procedures for obtaining a license by [reciprocity] endorsement.

(1) The board may issue a license to practice optometry by **[reciprocity] endorsement** and without examination to an individual licensed in another state, **territory, country, or province** which the board determines has licensing **[standards] requirements** substantially equivalent to the **[standards] requirements** in Missouri. The applicant shall provide the following documentation to the board:

(A) A completed application with the application **[and license] fee/s**;

(B) Proof that the applicant has successfully completed an optometry licensure examination in any state, **[of the United States] territory, country, or province** substantially equivalent to the licensure examination required in Missouri;

(C) **With the exception of government service, [P]/proof** that the applicant has been engaged in active clinical practice **in the state, territory, country, or province in which the applicant is currently licensed** for at least three (3) years **in the five (5) years** immediately preceding the application;

(D) Proof that the applicant is registered or certified in the state from which s/he is applying for **[reciprocity] endorsement** to use **[diagnostic] pharmaceutical agents [and therapeutic pharmaceutical agents under] at the highest level granted in that state with the [guidelines] requirements** established in that state for registration and/or certification **being substantially equivalent to the requirements in this state**;

(E) Certification from each state in which s/he is **[currently] or was or has been** licensed verifying that the applicant is **or was** in good standing and has never had his/her license to practice in **[that] any state** disciplined in any manner and that the applicant is not the subject of any pending complaints;

(G) Such additional information as the board may request to determine eligibility for licensure by **[reciprocity] endorsement**.

(2) The board may require an **[reciprocity] endorsement** applicant to successfully complete an oral interview, an oral examination, or a clinical examination if it is determined by the board that the **[licensing standards from the applicant's state of licensure are not substantially equivalent to the standards required in this state] current competency of the candidate requires additional evaluation**.

(3) All applicants for licensure by **[reciprocity] endorsement** shall satisfactorily complete a written **[open book] examination** on Missouri Optometric Law with a score of seventy-five percent (75%) or greater within one (1) year prior to licensure.

AUTHORITY: section[s] 336.090, RSMo 2000 and section 336.160.1, RSMo Supp. 2007. This rule originally filed as 4 CSR 210-2.011. Original rule filed Oct. 14, 1981, effective Jan. 14, 1982. For intervening history, please consult the Code of State Regulations. Amended: Filed May 2, 2008.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Optometry, Executive Director, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 751-8216, or by email at optometry@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2267—Office of Tattooing, Body Piercing and
Branding**

Chapter 2—Licensing Requirements

PROPOSED RESCISSION

20 CSR 2267-2.020 Fees. This rule established and fixed various fees and charges authorized by section 324.522, RSMo.

PURPOSE: This rule is being rescinded and readopted to set fees at an amount which shall not substantially exceed the cost and expense of administering sections 324.240 to 324.275, RSMo.

AUTHORITY: section 324.522, RSMo Supp. 2005. This rule originally filed as 4 CSR 267-2.020. Original rule filed Aug. 15, 2002,

effective Feb. 28, 2003. Amended: Filed Feb. 15, 2005, effective Aug. 30, 2005. Moved to 20 CSR 2267-2.020, effective Aug. 28, 2006. Amended: Filed July 17, 2006, effective Jan. 30, 2007. Rescinded: Filed May 9, 2008.

PUBLIC COST: *This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rescission with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at tattoo@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: *This proposed rule will cost private entities approximately fifty-seven thousand fifty dollars (\$57,050) biennially for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed rule with the Office of Tattooing, Body Piercing and Branding, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at tattoo@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2267—Office of Tattooing, Body Piercing and
Branding
Chapter 2—Licensing Requirements**

PROPOSED RULE

20 CSR 2267-2.020 Fees

PURPOSE: *This rule establishes and fixes various fees and charges authorized by section 324.522, RSMo.*

(1) The operator of a tattoo, body piercing, or branding establishment shall pay a biennial license fee to the office as follows:

- | | |
|------------------------------------|-------|
| (A) Establishment fee | \$100 |
| (B) Combined establishment | \$200 |
| (C) Establishment renewal | \$ 40 |
| (D) Combined establishment renewal | \$ 40 |

(2) The operator of a temporary tattoo, body piercing, and/or branding establishment shall pay a fee to the division as follows:

- | | |
|---|-------|
| (A) Temporary establishment (per event) | \$100 |
| (B) Combined temporary (per event) | \$100 |

(3) A person who wishes to practice as a tattooist, body piercer, or brander shall pay a biennial fee to the division as follows:

- | | |
|---------------------------------------|-------|
| (A) Practitioner | \$ 30 |
| (B) Renewal for practitioner | \$ 30 |
| (C) Combined practitioner | \$ 40 |
| (D) Renewal for combined practitioner | \$ 40 |

(4) Additional Fees:

- | | |
|---------------------------|-------|
| (A) Duplicate license fee | \$ 5 |
| (B) Bad check fee | \$ 25 |

AUTHORITY: *section 324.522, RSMo Supp. 2007. This rule originally filed as 4 CSR 267-2.020. Original rule filed Aug. 15, 2002, effective Feb. 28, 2003. Amended: Filed Feb. 15, 2005, effective Aug. 30, 2005. Moved to 20 CSR 2267-2.020, effective Aug. 28, 2006. Amended: Filed July 17, 2006, effective Jan. 30, 2007. Rescinded and readopted: Filed May 9, 2008.*

PUBLIC COST: *This proposed rule will cost state agencies or political subdivisions approximately fifty-seven thousand fifty dollars (\$57,050) biennially for the life of the rule. It is anticipated that the*

PUBLIC ENTITY FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2267 - Office of Tattooing, Body Piercing and Branding****Chapter 2 - Licensing Requirements****Proposed Rule - 20 CSR 2267-2.020 Fees**

Prepared March 24, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Biennial Revenue	
Office of Tattooing, Branding & Body Piercing		\$57,050.00
	Total Revenue Biennially for the Life of the Rule	\$57,050.00

III. WORKSHEET

The board estimates the projections calculated in the Private Entity Fiscal Notes will be total revenue for the board.

IV. ASSUMPTION

1. The division is statutorily obligated to enforce and administer the provisions of sections 324.240-324.275, RSMo. Pursuant to Section 324.245.(5), RSMo, the division shall by rule and regulation set all applicable fees at an amount which shall not substantially exceed the cost and expense of administering sections 324.240 to 324.275.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2267 - Office of Tattooing, Body Piercing and Branding

Chapter 2 - Licensing Requirements

Proposed Rule - 20 CSR 2267-2.020 Fees

Prepared March 24, 2008 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated biennial cost of compliance with the rule by affected entities:
45	Establishments (License Fee @ \$100)	\$4,500
95	Establishments (Renewal @ \$40)	\$3,800
50	Combined Tattoo, Body Piercing or Branding Establishment (License Fee @ \$200)	\$10,000
120	Combined Tattoo, Body Piercing and/or Branding Establishment (Renewal Fee @ \$40)	\$4,800
1	Temporary Establishment (Per Event) (Application Fee @ \$100)	\$100
5	Temporary Combined Tattoo, Body Piercing and/or Branding Establishment (Per Event) (Application Fee @ \$100)	\$500
230	Practitioner (Application Fee @ \$30)	\$6,900
600	Practitioner (Renewal Fee @ \$30)	\$18,000
60	Combined Practitioner (Application Fee @ \$40)	\$2,400
150	Combined Practitioner (Renewal Fee @ \$40)	\$6,000
10	Duplicate License (Fee @ \$5)	\$50
0	Bad Check (Fee @ \$25)	\$0
Estimated Biennial Cost of Compliance for the Life of the Rule		\$57,050

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The figures reported above are based on FY07 actuals and FY08 projections.
2. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The division is statutorily obligated to enforce and administer the provisions of sections 324.240-324.275, RSMo. Pursuant to Section 324.245.(5), RSMo, the division shall by rule and regulation set all applicable fees at an amount which shall not substantially exceed the cost and expense of administering sections 324.240 to 324.275.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 23—Electric Utility Operational Standards**

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under sections 386.040, 386.250, 386.310, and 393.140, RSMo 2000 and section 393.130, RSMo Supp. 2007, the commission adopts a rule as follows:

4 CSR 240-23.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 15, 2008 (33 MoReg 407-435). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on the proposed amendment was held March 26, 2008, and the public comment period ended March 17, 2008. Five (5) written comments were received, from Union Electric Company d/b/a AmerenUE, Aquila, Inc., Empire District Electric Company, Kansas City Power & Light (KCP&L), and the Missouri Energy Development Association (MEDA) (of which all four (4) companies commenting are members). The only person presenting testimony at the hearing was Daniel I. Beck, on behalf of the staff of the Missouri Public Service Commission. In response to questions from the bench, the following

people also testified: Ron Zdeller on behalf of AmerenUE, Mike Palmer on behalf of Empire, Bill Herdegen on behalf of KCP&L, Elliott Connell on behalf of Aquila, and Christina Baker on behalf of the Office of Public Counsel. The testimony and comments verified the need for the proposed rule and generally supported it. Therefore, no substantive changes will be made to the proposed rule.

COMMENT #1: All seven (7) entities that commented or testified in this proceeding support the rule as proposed. Some participants suggested nonsubstantive language changes as more fully set forth below. All of those participants do not support the version referred to as the "Dissent Version." Comments or testimony in response to incorporation of specific language into the proposed rule are discussed herein. Discussion of the merits of the Dissent Version, having not been formally proposed by the commission, is not included.

RESPONSE: No language change is necessitated by this comment.

COMMENT #2: Commenters do not support adoption of reliability performance metric standards. The commission has recently set clear ground rules for how vegetation management is to be conducted and how infrastructure is to be inspected and maintained and the electric utilities are spending many millions of dollars to implement compliance programs. What reasonably achievable reliability metrics should be is unknown, and a single metric may not be possible. Each of Missouri's electric utilities has different service area characteristics. Some are more metropolitan; others have a high enough percentage of rural circuits. Some serve homes with back-lot-routed distribution lines. The distribution systems are of differing ages. Tree densities vary. Any "one size fits all" benchmark may create goals that are too easy for some and nearly impossible for others. After the infrastructure and vegetation management rules have been fully implemented, the commission may have sufficient basis for the imposition of company-specific reliability metrics, based on trends revealed in basic reliability metrics, which are reasonably achievable and not overly sensitive to factors outside of the utility's control, such as storm outages.

The proposed rule, at its core, addresses the need to consistently calculate and track reliability metrics, identify areas where reliability is suffering, implement programs to maintain or improve reliability, and regularly track and report these activities to the commission.

The proposed rule is reasonable. It provides for monitoring of reliability performance and complements the previously adopted infrastructure and vegetation rules. The proposed rule establishes a consistent platform for monitoring and reporting reliability metrics. Common metrics and uniform methods of calculation are critical to consistent year-to-year trending and comparisons between utilities. Also, incorporation of the only national electric utility reliability standard, IEEE 1366-2003, allows broader comparison across the industry. The reporting requirements will enable monitoring of the utilities' compliance with the rule without the need to impose fines, penalties, or sanctions. Trending is different from benchmarking. An extensive time-series trend of consistent performance metrics is required before any meaningful benchmarks or performance standards can be considered.

RESPONSE: No language change is necessitated by this comment.

COMMENT #3: The commission has recently adopted an infrastructure rule and vegetation rule. These rules reasonably balance the cost of these programs against the likely service quality improvements they will yield. It is appropriate that the commission adopt a reliability reporting rule that provides for thorough monitoring of the main objective of these two (2) previously adopted rules, which is maintaining or improving service reliability. It is also appropriate that the commission require that electric corporations track their worst performing circuits and provide thorough reporting of what is being done to address these trouble spots.

RESPONSE: No language change is necessitated by this comment.

COMMENT #4: KCP&L does not believe the changes suggested in its comments are substantive changes to the proposed rule. Rather, the suggested changes are meant to clarify and improve certain language in the rule. The company commends the commission's collaborative process that resulted in this draft rule yielding a reasonable and balanced rule, and appreciates the opportunity to supply comments at this time.

RESPONSE: No language change is necessitated by this comment.

COMMENT #5: Aquila does not propose that any substantive changes be made to the proposed rule. The regulatory process that resulted in this draft of the rule yielded a reasonable product. Aquila believes the rule, as drafted, strikes an appropriate balance between supporting and improving, where possible, the quality of the service that is provided and the real costs associated with the specific requirements of the rule at issue. Aquila believes the commission's rule, as approved by the majority, has appropriately achieved that balance and it should therefore be adopted as proposed.

RESPONSE: No language change is necessitated by this comment.

COMMENT #6: Empire supports the proposed rule, as it will provide a consistent method of calculating reliability metrics. Empire strongly cautions against modifying the rule as proposed by the dissenting opinion as Empire anticipates it will only increase the cost of electrical service to Missouri customers with no recognizable benefit.

RESPONSE: No language change is necessitated by this comment.

COMMENT #7: AmerenUE reiterates its position that the reliability rule, as proposed by the majority of commissioners in this rulemaking, is an appropriate rule that will provide the commission, as well as the public, with the necessary information to properly discharge the commission's oversight duties with respect to ensuring that Missouri's electric utilities provide safe and adequate service with an appropriate level of reliability.

RESPONSE: No language change is necessitated by this comment.

COMMENT #8: Section (1) of the proposed rule requires electric utilities to document, on a monthly basis, reliability performance as measured by System Average Interruption Frequency Index (SAIFI), Customer Average Interruption Frequency Index (CAIFI), System Average Interruption Duration Index (SAIDI) and Customer Average Interruption Duration Index (CAIDI). AmerenUE believes the adoption of IEEE standard 1366 "Guide for Electric Power Distribution Reliability Indices" for definitions of terms used in the various reliability indices, as required in section (3), will ensure that all of the utilities in Missouri classify their interruptions in a consistent manner rather than relying on each utility to define, for example, what constitutes a "service interruption." Another commenter suggested that the rule specifically state that "Index Definitions and Calculations shall be per IEEE Standard 1366-2003, subject to the exclusions listed in section (5)."

RESPONSE: The indices set forth in this section of the rule are terms of art with specific meaning derived only from the IEEE standards. Therefore, the language is sufficiently clear, and no language change will be made as a result of this comment.

COMMENT #9: Section (2) requires reliability information to be filed annually, adjusted and not adjusted for major storms, by each utility. Over time, these reports will assist the commission in monitoring and evaluating the reliability performance of each utility in the state as well as improve the transparency of utility operations to the commission. This should enhance commission oversight of utility system reliability.

RESPONSE: No language change is necessitated by this comment.

COMMENT #10: The infrastructure rule (4 CSR 240-23.020) reporting is due annually on July 1st. The commission should use the same date for reporting the proposed rule metrics.

RESPONSE: The date for reporting under this rule was intentionally made to be different from the other rules, so as to allow for better review. No change will be made.

COMMENT #11: In section (3), the term "storms" is already included as a major event in the referenced IEEE 1366-2003 standard. Delete the word "storm" from the second sentence.

RESPONSE: Although this comment is technically correct, the word "storm" properly directs users to modify certain reports, as storms are the most common "major event." No change will be made.

COMMENT #12: Sections (6) through (8) deal with tracking and reporting of a utility's worst performing circuits. These tracking and reporting requirements will further enhance the commission's ability to provide appropriate oversight relating to the overall provision of safe and adequate service by the utilities. However, it is important to note that there are circuits that will not leave the worst performing circuit list, because it would not be appropriate to make the enormous investment necessary to move those circuits off of the worst performing circuit list. For example, portions of the AmerenUE system run through densely forested and thinly populated areas with very long distances between the substation and the last residential customer. Because some of these lines are located in a national forest, AmerenUE faces government-mandated restrictions on the type of vegetation management practices it can undertake. This means that there will be outages in these areas that have nothing to do with how well AmerenUE is maintaining these circuits. These kinds of outages are a function of the location of the lines in a rural, heavily forested area. This is not to say that the company cannot or will not work to improve the reliability of these circuits, but it is important to note at the outset of these rules that not all circuits are equal, and not all can be improved with a simple infusion of money.

RESPONSE: No language change is necessitated by this comment.

COMMENT #13: A program to address worst performing circuits is an important component of an overall asset management portfolio. KCP&L believes the proposed rule's target of addressing five percent (5%) of a utility's Missouri circuits is a reasonable objective. Increasing the target from five percent to ten percent (5%-10%) could double KCP&L's cost to comply with the rule. Reporting under the proposed rule of the five percent (5%) worst performing circuits is reasonable, and will yield the most cost-effective improvements in reliability for KCP&L's customers.

RESPONSE: No language change is necessitated by this comment.

COMMENT #14: In section (6), clarify scope of analysis. Insert the word "distribution" in the second sentence, i.e., "... analyzing its worst performing distribution circuits . . ."

RESPONSE: The section already limits its application to "... circuits used to serve . . . retail customers . . ." Insertion of the word "distribution" is unnecessary. No change will be made in response to this comment.

COMMENT #15: MEDA recommends that year 2010 in the first sentence of section (8) be revised to 2011. This paragraph refers to three (3) consecutive years of data and this data will not now be available until 2011.

RESPONSE AND EXPLANATION OF CHANGE: The requested change is appropriate and will be made.

COMMENT #16: In section (8), clarify the scope of worst performing circuit analysis. Insert the words "root causes" into the last sentence, i.e., "... or other local conditions, root causes, customer density and . . ."

RESPONSE: Although insertion of this language is not inconsistent

with the intent of this section, it is unnecessary. No change will be made in response to this comment.

COMMENT #17: In section (9), as reliability programs are, by their very nature, intended to maintain or improve system reliability, delete the word "Improvement" from the paragraph title.

RESPONSE: Although deletion of this language is not inconsistent with the intent of this section, it is unnecessary. No change will be made in response to this comment.

COMMENT #18: Annual budgets are not always approved by the end of the previous calendar year. Completion of the previous year's scope may affect the following year's programs as well. Although eighty percent (80%) of the plan may be known by December 31 of the preceding year, the entire plan usually is developed after the beginning of the year. Move the date for filing the summary report on reliability programs back by at least two (2) months to the end of February.

RESPONSE: As this section of the rule calls for submission of plans, it is understood that some of the details may not be final, and that in some instances, activity will differ from the plan. If, through experience, this section proves unworkable, it can be amended. Until then, companies should submit what plans they have, in such detail as they can gather, in the required time frame. No change will be made in response to this comment.

COMMENT #19: The language is unclear as to whether the first report is due on December 31, 2009 and whether it will cover programs planned for execution in 2010. Clarify the due date and content of the first summary report.

RESPONSE AND EXPLANATION OF CHANGE: This section is confusing and will be rewritten, as more fully set forth below.

COMMENT #20: Section (10) requires the undergrounding of lines in new residential subdivisions. Commenters generally agree with this requirement, although there may be a need to apply for variances under certain circumstances. The staff notes that some companies may need to change their tariffs to comply fully with this section. Commenters concur with the provision which allows the installation of overhead facilities where the installation of underground facilities would not be prudent.

Some companies currently offer residential subdivision developers the option of overhead or underground service facilities and the developer bears additional costs of underground service. Many developers select underground facilities for their subdivisions; however, some developers do select overhead. Those companies do not anticipate changing the practice as a result of the adoption of the proposed rule, but will provide and maintain a record of any developer's request for overhead facilities.

One commenter asserts that the rule lacks clarity. The intent of this section is to install facilities on the surface at grade level or below grade as opposed to overhead on poles, resulting in the primary, secondary, and service cables to be below grade. Change the end of the second sentence to read, ". . . subdivision distribution facilities underground, or surface mounted so conductors and cables are underground."

RESPONSE: As noted above, the section allows the installation of overhead facilities where the installation of underground facilities would not be prudent, whether for financial, technical, or other reasons. The idea that pedestals will be on-grade is implied within the rule, as placing the electronic equipment contained therein in underground facilities would be very costly, less reliable, and more difficult to service, to wit: unreasonable. Although insertion of this language is not inconsistent with the intent of this section, it is unnecessary. No change will be made in response to this comment.

COMMENT #21: Section (11) allows the commission to disseminate reliability information to the public, and provide comparisons of this

data to similar information from other states. The rule indicates that the commission will also release explanations of differences, such as calculation methodologies. AmerenUE appreciates the commission's recognition that it is not possible to simply compare one utility's reliability numbers with another. The same result for different utilities, for example one rural and one urban, may indicate a reliability problem for one utility and not for the other. Consequently, along with differences in calculation methodologies, the commission should acknowledge in any informational release that a straight comparison of the reliability statistics of any two (2) utilities is likely not appropriate and that there are many factors, including the type of territory each utility serves, that will impact a particular utility's reliability statistics. A more appropriate comparison, and one that might provide useful information to the public, would be a comparison of the same utility's reliability statistics over a period of years. That is information which would be provided under this rule. Certainly that information will help reveal trends, either good or bad.

RESPONSE: No language change is necessitated by this comment.

COMMENT #22: In the course of the hearing, Commissioner Clayton asked the various witnesses whether they would support the insertion of the following language in the rule:

In each electrical corporation's next general rate increase or general rate decrease case, part of the electrical corporation's rates and charges shall be ordered by the commission to go into effect interim, subject to refund. The amount of the electrical corporation's rates and charges that shall be ordered to go into effect interim, subject to refund shall equal: for each residential customer, for each month, the greater of twenty-five dollars (\$25) or the customer's monthly customer charge, and for each other distribution customer, for each month, the customer's minimum monthly bill prorated for four (4) days. Within thirty (30) days after an electrical corporation provides customer credits pursuant to this rule, it shall provide the staff of the commission and to the Office of the Public Counsel workpapers supporting that event. A true-up hearing shall occur no later than one hundred twenty (120) days after each succeeding twelve (12)-month period from the date new rates and charges go into effect after a general rate increase or a general rate decrease case. The purpose of the true-up procedure shall be for the commission to review both the electrical corporation's compliance with the reliability requirements of this rule and the adequacy of the monies collected interim, subject to refund to fund the credits required by this rule for a particular twelve (12)-month period. If the commission determines that an electrical corporation has complied with this rule for a particular twelve (12)-month period, and the electrical corporation still has funds interim, subject to refund remaining for that particular twelve (12)-month period, the commission may direct that the electrical corporation is no longer required to treat these particular funds as interim, subject to refund. If the commission determines that an electrical corporation has not complied with this rule in a substantial facet for the particular twelve (12)-month period, and, therefore, is still subject to the requirement of funding credits for the particular twelve (12)-month period under review, and the electrical corporation still has funds interim, subject to refund remaining for this particular twelve (12)-month period, the commission may direct that the electrical corporation shall continue to treat these particular funds as interim, subject to refund pending further commission order. If the electrical corporation has not complied with the crediting requirements of this rule, the commission may order the electrical corporation to comply.

The witnesses all responded that they would not support this language.

RESPONSE: No language change is necessitated by this comment.

COMMENT #23: KCP&L offers correction to data in Fiscal Note—Private Cost as published in the *Missouri Register*. The private cost

information was updated. The number of circuits in Section IV should be increased from four hundred twenty (420) circuits to four hundred forty-four (444) circuits with five percent (5%) equaling twenty-three (23) circuits. As a result, the estimated annual cost for KCP&L is increased from \$1,156,000 to \$1,227,000 in Sections II and III. These changes have negligible effect on the first year implementation cost estimate.

RESPONSE AND EXPLANATION OF CHANGE: The private cost fiscal note will be changed to reflect this correction and is attached hereto.

4 CSR 240-23.010 Electric Utility System Reliability Monitoring and Reporting Submission Requirements

(8) Multi-Year Worst Performing Circuit Reporting. If, on or after the time the annual report required by section (7) for calendar year 2011 is filed, a circuit has been on the worst performing circuit list for any two (2) of the three (3) most recent consecutive calendar years, the electrical corporation shall include detailed plans and schedules for improving the performance of that circuit in addition to the other information required by section (7). Such plans and schedules may vary from circuit to circuit based on differences in geography or other local conditions, customer density, and cost considerations.

(9) Reliability Improvement Programs. Each electrical corporation shall transmit to the manager of the energy department of the commission, or the manager's designee, no later than the last business day of December each year: A summary report detailing all programs scheduled for the upcoming calendar year designed to maintain or improve service reliability. The information shall be reported by regional/district/division operating areas, if the electrical corporation's operations are divided into regions/districts/divisions. This report shall include funding levels and the status of each of these programs. The first such report shall be transmitted no later than December 31, 2008.

REVISED PRIVATE COST: This rule will cost private entities approximately two hundred thirty thousand dollars (\$230,000) in implementation costs. Annual compliance costs will be approximately \$3,474,000. A revised fiscal note is printed with this order of rule-making.

REVISED FISCAL NOTE

PRIVATE COST

I. RULE NUMBER

Rule Number and Name:	4 CSR 240-23.010 – Electric Utility System Reliability Monitoring and Reporting Submission Requirements
Type of Rulemaking	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Four (4)	Investor Owned Electric Utility Companies	
	AmerenUE	Implementation: \$130,000 Annually: \$1,770,000
	Aquila	Implementation: \$50,000 Annually: unknown at this time
	Empire	Implementation: unknown at this time Annually: \$477,000
	Kansas City Power & Light	Implementation: \$50,000 Annually: \$1,227,000
	Total	Implementation: \$230,000 Annually: \$3,474,000

III. WORKSHEET

AmerenUE: First year implementation cost = \$130,000. Average year-to-year ongoing cost of \$1,770,000 per year over the first 3 years.

Aquila: First year implementation cost = \$50,000. Year-to-year ongoing costs are not known at this time. Reliability improvements required in the future to address worst-performing circuits are unknown at this time.

Empire District Electric Company: Average year-to-year ongoing cost of \$477,000 per year over the first 3 years. Reliability improvements required in the future to address worst-performing circuits are unknown at this time.

Kansas City Power & Light: First year implementation cost = \$50,000. Average year-to-year ongoing cost of \$1,156,000 per year over the first 3 years.

REVISION OF KCPL: KCPL offers correction to data in Fiscal Note – Private Cost as published in the Missouri Register. The private cost information was updated. The number of circuits in section IV should be increased from 420 circuits to 444 circuits with 5% equaling 23 circuits. As a result, the estimated annual cost for KCPL is increased from \$1,156,000 to \$1,227,000 in Sections II and III. These changes have negligible effect on the first year implementation cost estimate.

Total: Implementation Cost ~ \$230,000, Average Annual Ongoing Over First 3 Years ~ \$3,403,000, Uncertain on Total Cost for Reliability Improvements on Worst Performing Circuits

IV. ASSUMPTIONS

The number of circuits that each of these utilities operates in Missouri is given below. The approximate number of worst performing circuits that would be reported each year.

AmerenUE: # of MO circuits = 2400, 5% = 120

Aquila: # of MO circuits = 492, 5% = 25

Empire District Electric Company: # of MO circuits = 240, 5% = 12

Kansas City Power & Light: # of MO circuits = 444, 5% = 23

Total # of Worst Performing Circuits to be Reported Each Year ~ 180

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION
Division 60—Division of Career Education
Chapter 120—Career Education**

ORDER OF RULEMAKING

By the authority vested in the State Board of Education under Public Law 105-332 and section 161.092, RSMo Supp. 2007 and section 178.430, RSMo 2000, the board hereby amends a rule as follows:

5 CSR 60-120.010 is amended.

A notice of proposed rulemaking was not published because state program plans required under federal education acts or regulations are specifically exempt under section 536.021, RSMo. During the month of January 2008, the Division of Career Education conducted six (6) public hearings regarding proposed changes to the Missouri State Plan for Career Education. The hearings were conducted in Jefferson City, Cape Girardeau, Springfield, St. Charles, Kansas City, and Macon.

This rule becomes effective thirty (30) days after publication in the *Code of State Regulations*. This rule describes the administrative provisions for the delivery of the state's federally-assisted career education program.

5 CSR 60-120.010 State Plan for Career Education. This order of rulemaking amends the rule title, the Purpose, and sections (1)–(4) to bring the program plan in compliance with federal statutes.

PURPOSE: This rule incorporates the current state plan for career education. This plan constitutes the basis for the operation and administration of the state's federally-assisted career education program established by the current career education legislation and subsequent amendments enacted by the United States Congress and regulations implementing Acts of Congress published by the Secretary of the United States Department of Education. The plan is submitted to, and with the approval of, the United States Department of Education. It serves as a guide for administering federally-funded career education programs, services, and activities for eligible sub-recipients in Missouri.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) The state Department of Elementary and Secondary Education, in consultation with teachers, administrators, eligible recipients, parents, students, interested community members, representatives of special populations, representatives of business and industry, representatives of labor organizations, and the governor, prepares the state plan. The plan identifies specific groups of individuals to be served and indicates the types of programs, services, and activities which may be provided. It enumerates the goals and objectives which serve as a basis for the statewide effort to provide for the career education needs of the people of Missouri.

(2) The Missouri State Plan for Career Education contains the administrative provisions for the delivery of the state's federally-assisted career education program. The Missouri State Plan for Career Education State Fiscal Years 2008–2013 is hereby incorporated by reference and made a part of this rule. A copy of the

Missouri State Plan for Career Education (revised 2008) is published by and can be obtained from the Department of Elementary and Secondary Education, Division of Career Education, 205 Jefferson Street, PO Box 480, Jefferson City, MO 65102-0480. This rule does not incorporate any subsequent amendments or additions.

(3) Rules pertaining to the State Board of Education which is responsible for the administration of the state plan, statements of assurance, methods of joint planning and coordination, procedures on local applications and procedures to establish and meet the state level of performance for the six (6) core indicators of performance for secondary programs and the five (5) core indicators of performance for postsecondary programs are contained in the plan.

(4) Operational procedures concerning the allocation of funds for career education programs are contained in the plan. These procedures deal with funding allocations and procedures for secondary, postsecondary, and adult career education programs. Additional procedures pertaining to tech prep education and staff development activities are also included.

AUTHORITY: Public Law 105-332, section 178.430, RSMo 2000 and section 161.092, RSMo Supp. 2007. Original rule filed Aug. 22, 1974, effective Sept. 2, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed May 13, 2008, effective July 30, 2008.

PUBLIC COST: This order of rulemaking is estimated to cost state agencies or political subdivisions approximately \$23,261,201 during Fiscal Year 2009 with the cost recurring annually over the life of the rule subject to appropriations.

**FISCAL NOTE
PUBLIC COST****I. RULE NUMBER**

Title: 5 - Department of Elementary and Secondary Education
Division: 60 - Career Education
Chapter: 120 - Career Education
Type of Rulemaking: Order of Rulemaking
Rule Number and Name: 5 CSR 60-120.010 State Plan for Career Education

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State of Missouri	\$23,261,201 is estimated for Fiscal Year 2009 with the cost recurring annually over the life of the rule subject to appropriations to be distributed to career education programs.

III. WORKSHEET

The Missouri State Plan for Career Education provides the direction as to how career education programs and state/federal funds are administered. During the 2006-07 school year, 288,627 Missouri high school students and adults took part in career education programs in public high schools, area career centers, community colleges and four-year colleges and universities.

IV. ASSUMPTIONS

The Missouri General Assembly and Congress will continue to obligate resources to assist Missouri in continuing its efforts in career education as identified in the State Plan.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 4—Licenses**

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo 2000, the commission withdraws this proposed rescission and amends the rule as follows:

11 CSR 45-4.050 is amended.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2008 (33 MoReg 41). This proposed rescission is withdrawn, and the rule is amended. Changes have been made to the text of the rule, so it is reprinted here. This rule is amended and becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The commission received no written comments on this proposed rescission; however, the staff made one (1) comment. The commission also received a comment from the Joint Committee on Administrative Rules (JCAR).

COMMENT #1: Staff recommends maintaining the current rule 11 CSR 45-4.050 for the purposes of historical relevancy for issuing new licenses.

RESPONSE AND EXPLANATION OF CHANGE: The commission agrees and 11 CSR 45-4.050 will not be rescinded. The language in the version of the proposed rule for 11 CSR 45-4.050 has been renumbered as 11 CSR 45-4.055.

COMMENT #2: JCAR made a comment about the conflict of fees listed in the current rule with the fees listed in the new rule 11 CSR 45-4.055.

RESPONSE AND EXPLANATION OF CHANGE: After further discussion with the Administrative Rules Division and JCAR, the commission agrees to amend this rule by deleting sections (2)–(4).

11 CSR 45-4.050 Application Period and Fees for Class A License

PURPOSE: This rule establishes an application period and fees.

(1) All applications for a Class A license must be received within forty-five (45) days of the effective date of emergency rules and the publication of license application forms. No further Class A applications will be accepted for a period of one (1) month after the initial forty-five (45)-day filing period. All other applications may be filed at any time.

AUTHORITY: sections 313.004 and 313.812, RSMo 1994. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed Dec. 7, 1995, effective June 30, 1996. Amended: Filed Aug. 30, 1996, effective April 30, 1997. Amended: Filed May 13, 1998, effective Oct. 30, 1998. Rescinded: Filed Dec. 3, 2007, changed to amended April 25, 2008, effective July 30, 2008.

**Title 18—PUBLIC DEFENDER COMMISSION
Division 10—Office of State Public Defender
Chapter 2—Definition of Eligible Cases**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Defender Commission under sections 600.017 and 600.086, RSMo 2000, the commission amends a rule as follows:

18 CSR 10-2.010 Definition of Eligible Cases is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on February 1, 2008 (33 MoReg 333–334). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 18—PUBLIC DEFENDER COMMISSION
Division 10—Office of State Public Defender
Chapter 4—Rule for the Acceptance of Cases and
Payment of Private Counsel Litigation Costs**

ORDER OF RULEMAKING

By the authority vested in the Missouri Public Defender Commission under sections 600.017 and 600.086, RSMo 2000, the commission adopts a rule as follows:

**18 CSR 10-4.010 Rule for the Acceptance of Cases and Payment
of Private Counsel Litigation Costs is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on February 1, 2008 (33 MoReg 334). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 700-1.005 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2008 (33 MoReg 71–72). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received regarding this rule; however, the department will make changes based on comments received for other rules in this chapter that effect this rule.

COMMENT: The department staff said the definition of “Covered Annuity” should be eliminated as the term does not appear in the modified rules. A definition for “Producer” should be added in response to a comment made regarding 20 CSR 700-1.146.

RESPONSE AND EXPLANATION OF CHANGE: The department will delete the definition of covered annuity and add a definition for producer.

20 CSR 700-1.005 Scope and Definitions

(2) Definitions.

(C) "Director," the director of the department.

(D) "Department," the Department of Insurance, Financial Institutions and Professional Registration.

(E) "ERISA," the Employee Retirement and Income Security Act of 1974 (29 U.S.C. Section 1101 *et seq.*).

(F) "FINRA," the Financial Industry Regulatory Authority.

(G) "Insurer," an insurance company, fraternal benefit society, health services corporation, health maintenance organization, prepaid health plan, or any similar organization authorized to transact business in Missouri.

(H) "License," the whole or part of any permit, registration, membership, statutory exemption, or any other form of permission granted by the director to any person.

(I) "Licensee," a person licensed by Missouri to act as an insurance producer.

(J) "NAIC," the National Association of Insurance Commissioners.

(K) "NIPR," the National Insurance Producer Registry.

(L) "Personal insurance policy," any liability or risk-assuming policy, contract, subscriber agreement, rider, or endorsement delivered or issued for delivery in this state by an insurer, for the purpose of providing personal, noncommercial insurance coverage to an individual or family on a nongroup basis, including individual or family automobile, homeowners, life, annuity, health, property, or casualty coverage.

(M) "Producer," the same meaning as in section 375.012, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

**20 CSR 700-1.010 Insurance Producer's Examination and
Licensing Procedures and Standards is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 72-75). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 8, 2008. At the public hearing and in written comments, department staff explained the proposed amendment and made comments in support of the proposed amendment and suggested changes to the proposed amendment. At the public hearing, Missouri Association of Insurance Agents (MAIA) made comments regarding the proposed amendment.

COMMENT #1: Larry Case testified on behalf of Missouri Association of Insurance Agents (MAIA) in favor of the rule.

RESPONSE: No changes have been made to the amendment as a result of this comment.

COMMENT #2: Calvin W. Call and Brent Butler, on behalf of Missouri Insurance Coalition, commented that the examination requirement in subsection (3)(A) was beyond the department's authority because it directly contradicts state law in section 375.016.7, RSMo, which states "Individuals applying for limited lines producer licenses shall be exempt from examination."

RESPONSE: "Limited lines insurance" is defined by section 375.012.2(10), RSMo as: "insurance involved in credit transactions, insurance contracts issued primarily for covering the risk of travel or any other line of insurance that the director deems necessary to recognize for the purposes of complying with subsection 5 of section 375.017." Section 375.017.5 applies to non-resident applicants and states: "Notwithstanding any other provision of this chapter, a person licensed as a limited line credit insurance producer or other type of limited lines producer in his or her home state shall receive a non-resident limited lines producer license, pursuant to subsection 1 of this section, granting the same scope of authority as granted under the license issued by the home state of the producer. For the purposes of this subsection, limited line insurance is any authority granted by the home state which restricts the authority of the license to less than the total authority prescribed in the associated major lines pursuant to subdivisions (1) to (6) of subsection 1 of section 375.018." None of the lines the department proposes to examine are included in the definition of "limited lines insurance". The director respectfully disagrees with this comment. No changes have been made to the rule as a result of this comment.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 1—Insurance Producers

ORDER OF RULEMAKING**

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000 and sections 375.016, 375.018, and 376.309, RSMo Supp. 2007, the director adopts a rule as follows:

**20 CSR 700-1.012 Variable Life and Variable Annuity Contract
Examination is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2008 (33 MoReg 76). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

**20 CSR 700-1.020 Transacting Business as an Insurance Producer
is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 76-77). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 8, 2008. At the public hearing and in written comments, department staff explained the proposed amendment and made comments in support of the proposed amendment and suggested changes to the proposed amendment. At the public hearing and in written comments, representatives of Kansas City Life Insurance Company, Old American Insurance Company, and Sunset Life Insurance Company of America made comments regarding the proposed amendment.

COMMENT #1: Gary Hoffman, on behalf of Kansas City Life Insurance Company, Old American Insurance Company, and Sunset Life Insurance Company of America, commented that the proposed amendment is overbroad and sets a standard for producer licensing that is beyond the requirements of governing statutes because the amendment would require licensing if there is a conversation relating to the terms of an insurance contract. Mr. Hoffman suggested (1)(C)2. be modified as follows: "Disseminating buyer's guides, applications for coverage, coverage selection forms, or other similar forms in response to a request from prospective or current policyholders, so long as the person who is disseminating such forms does not sell, solicit or negotiate insurance."

RESPONSE: The director disagrees with this comment. The director is permitted to clarify terms used in statutes. In this proposed amendment, the director is clarifying what activities are included in "solicitation" of an insurance contract. Discussing the terms of an insurance contract requires specialized knowledge such that, if an individual does not have the required knowledge, consumers may be harmed by misinformation. To avoid potential consumer harm, the director has defined "solicitation" to include the discussion of insurance contract terms. Thus, when a person discusses insurance contract terms, he or she engages in "solicitation" and must be licensed as an insurance producer. No changes have been made to the rule as a result of this comment.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-1.025 Conduct of the Business of Insurance Over the Internet is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 77). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director rescinds a rule as follows:

20 CSR 700-1.030 Certification Letters Submitted with Insurance Producer's License Applications is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2008 (33 MoReg 77). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-1.040 Clearance Letters is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 77-78). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 8, 2008. At the public hearing and in written comments, department staff explained the proposed amendment and made comments in support of the proposed amendment and suggested changes to the proposed amendment. At the public hearing, Property Casualty Insurers Association of America (PCI) made comments regarding the rule.

COMMENT #1: Harry Gallagher, on behalf of Property Casualty Insurers Association of America (PCI), commented that the rule would continue a paper regime for what should be an electronic transaction. Since the department will be using the National Association of Insurance Commissioners (NAIC) Producer Database, which can provide up to the minute license verification, the rule should be amended to require a letter of clearance only if the agent cannot be located on the NAIC Producer Database.

RESPONSE: Clearance letters are still required in some circumstances. No changes were made to the rule as a result of this comment.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-1.100 Producer Service Agreements **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 78-79). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 8, 2008. At the public hearing and in written comments, department staff explained the proposed amendment and made comments in support of the proposed amendment and suggested changes to the proposed amendment. At the public hearing, the Missouri Association of Insurance Agents (MAIA) made comments regarding the rule.

COMMENT #1: Larry Case, on behalf of Missouri Association of Insurance Agents (MAIA), suggested that the department delete paragraph 2 of Exhibit A—Missouri Producer Service Agreement. RESPONSE: The comment is beyond the scope of the proposed amendment. No changes were made to the rule as a result of this comment.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director rescinds a rule as follows:

20 CSR 700-1.110 Licensing of Business Entity Insurance Producers **is rescinded.**

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on January 2, 2008 (33 MoReg 80). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-1.140 Minimum Standards of Competency and Trustworthiness for Insurance Producers Concerning Personal Insurance Transactions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 80-82). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-1.145 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 82). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 8, 2008. At the public hearing and in written comments, department staff explained the proposed amendment and made comments in support of the proposed amendment and suggested changes to the proposed amendment. At the public hearing and in written comments, representatives MetLife American Council of Life Insurers (ACLI) and Primerica Life Insurance Company made comments regarding the rule.

COMMENT #1: C. Bryan Cox, on behalf of American Council of Life Insurers (ACLI) suggested that paragraph (1)(A)1. be modified to replace the word “switch” with “replacement.”

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this suggestion and has modified the rule accordingly.

COMMENT #2: Steven A. Reidich, on behalf of Primerica, commented that by removing the word “variable” in subsection (1)(A), the regulation will apply to all types of insurance, including annuities, long-term care, whole life, universal life, term, and group insurance. Mr. Reidich suggested that subsection (1)(A) be amended to read:

(A) Producers, in the conduct of variable life, annuity, and long-term care insurance shall observe high standards of commercial honor and just and equitable principles of trade. Implicit in a producer's relationship with customers is the fundamental responsibility of fair dealing. Practices that violate this responsibility of fair dealing include, but are not limited to, the following:

1. Inducing a replacement, exchange or switch of variable life, annuity, or long-term care insurance contract with insignificant benefit to the consumer, but for the purpose of accumulating commissions by the producer; and

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment, in part, and has modified the rule accordingly.

COMMENT #3: Bryan Cox, on behalf of ACLI, suggested the department adopt the National Association of Insurance Commissioners (NAIC) annuity replacement model regulation to accomplish more than the current "insignificant benefit" test in paragraph (1)(A)1.

RESPONSE: The director disagrees with this comment. The NAIC annuity replacement model regulation will accomplish no more than the proposed "insignificant benefit" test. No changes have been made in response to this comment.

20 CSR 700-1.145 Standards of Commercial Honor and Principles of Trade in Life, Annuity, and Long-Term Care Insurance Sales

(1) Grounds for the discipline or disqualification of producers shall include, in addition to other grounds specified in section 375.141, RSMo, failure to comply with or violation of the following professional standards of conduct:

(A) Producers, in the conduct of variable life, annuity, and long-term care insurance business, shall observe high standards of commercial honor and just and equitable principles of trade. Implicit in a producer's relationship with customers is the fundamental responsibility of fair dealing. Practices that violate this responsibility of fair dealing include, but are not limited to, the following:

1. Inducing an exchange or replacement of variable life, annuity, or long-term care insurance contract with insignificant benefit to the consumer, but for the purpose of accumulating commissions by the producer; and
2. Causing the execution of transactions that are not authorized by customers or the sending of confirmations in order to cause customers to accept transactions not actually agreed upon; and

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION

Division 700—Insurance Licensing Chapter 1—Insurance Producers

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.040, 374.045, and 375.013, RSMo 2000 and sections 375.143 and 376.309.6, RSMo Supp. 2007, the director amends a rule as follows:

20 CSR 700-1.146 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 82-84). Those sections with changes are reprinted

here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 8, 2008. At the public hearing and in written comments, department staff explained the proposed amendment and made comments in support of the proposed amendment and suggested changes to the proposed amendment. At the public hearing and in written comments, representatives of Kansas City Life Insurance Company, MetLife American Council of Life Insurers (ACLI), and National Association for Fixed Annuities made comments regarding the rule.

COMMENT #1: C. Bryan Cox, on behalf of American Council of Life Insurers (ACLI), Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, Kim O'Brien, on behalf of National Association for Fixed Annuities, Eric C. Dupont, on behalf of MetLife, and Mark Rhoads, on behalf of MetLife, expressed support for the National Association of Insurance Commissioners (NAIC) model rule on suitability that is already in effect in twenty-four (24) states. Mr. Cox noted that six (6) other states have an older NAIC model in effect.

RESPONSE: The director recognizes that many states have adopted a version of the NAIC model. However, the NAIC models do not address insurance-specific concerns. No changes were made to the rule as a result of this comment.

COMMENT #2: C. Bryan Cox, on behalf of ACLI, commented that life expectancy and health status do not apply to certain product underwriting, particularly deferred and immediate annuities. Those elements are not in the NAIC Suitability in Annuity Transactions Model Regulation and should not be in the state regulation.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #3: C. Bryan Cox, on behalf of ACLI, commented that the Financial Industry Regulatory Authority (FINRA) model, upon which the department's proposal is based, was written for variable annuities and does not work for fixed deferred annuities.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and recognizes that variable annuities and fixed annuities are fundamentally different products, and different factors should be considered when determining whether or not a variable annuity or fixed annuity is suitable for the customer. The director has modified the rule to apply the FINRA model variable annuity standards that also apply to fixed annuities and eliminated those variable annuity standards that do not apply to fixed annuities.

COMMENT #4: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, and Kim O'Brien, on behalf of National Association for Fixed Annuities, commented that subsection (1)(B) disregards essential differences between insurance products which are securities and insurance products which are not securities. While subsection (1)(B) develops information valuable to securities sales, much of the rule is irrelevant to sales of fixed annuities.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and recognizes that variable annuities and fixed annuities are fundamentally different products, and different factors should be considered when determining whether or not a variable annuity or fixed annuity is suitable for the customer. The director has modified the rule to apply the FINRA model variable annuity standards that also apply to fixed annuities and eliminated those variable annuity standards that do not apply to fixed annuities.

COMMENT #5: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that he is unsure of the meaning of "other covered annuities," and suggested deleting this phrase or

identifying the “other covered annuities” to which this section applies.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment. The director eliminated the term “covered annuity” from this rule as well as the definition of “covered annuity” in proposed rule 20 CSR 700-1.005.

COMMENT #6: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that the requirement in subsection (2)(C) to inquire about “life expectancy and health status” is problematic in that individuals generally do not know their life expectancies. Mr. Hoffman also commented that “health status” is vague and largely irrelevant in the sales of annuities and questioned the propriety of asking for specific health information when it is not needed to underwrite an application for the product.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #7: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that while a customer’s investment objectives and risk tolerance may be relevant to sales of indexed annuities, that information is not relevant to sales of fixed annuities. Mr. Hoffman suggested that the items listed in subparagraphs (1)(B)2.E. and (1)(B)2.F. not be applied to fixed annuity recommendations.

RESPONSE: The director disagrees with this comment. Information about a customer’s investment objectives and risk tolerance are relevant when selling a fixed annuity. Fixed annuity customers tend to be seeking a steady stream of income (an investment objective) and tend to be less risk tolerant. That information is crucial when deciding among various products. No changes have been made to this rule in response to this comment.

COMMENT #8: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that the information required in subparagraph (1)(B)2.G., “The customer’s investment, insurance and financial experience,” is not helpful in making a decision to buy a fixed deferred or immediate annuity.

RESPONSE AND EXPLANATION OF CHANGE: The director disagrees with this comment, because investment and insurance experience is crucial information when deciding among various products. However, the director has eliminated the phrase throughout the rule to be consistent with other states’ regulations.

COMMENT #9: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that he is uncertain what “financial experience” as distinct from “investment experience” and “insurance experience” in subparagraph (1)(B)2.G. is intended to mean.

RESPONSE: A customer’s experience may vary regarding investments and insurance. A customer’s sophistication regarding investment and insurance products will impact the suitability decision. No changes have been made as a result of this comment.

COMMENT #10: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that all subsections referred to “customer,” but is unsure whether “customer” refers to the applicant, proposed owner, or proposed annuitant when they are not all the same person.

RESPONSE: “Customer” applies to whomever the producer is making the recommendation. No changes have been made to the rule in response to this comment.

COMMENT #11: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that subsection (1)(C) applies to “all deferred annuities” and that the requirements of the subsection are not relevant equally to variable, indexed and fixed deferred annuities. Mr. Hoffman suggests that the section be further divided into either two (2) (variable and indexed deferred annuities and fixed

deferred annuities) or three (3) (variable, indexed, and fixed deferred annuities) subsections, which would contain requirements that are applicable to that particular type of annuity. Mr. Hoffman suggests that the following concepts should not apply to fixed deferred annuities: mortality and expense fees; investment components; market risk; and underlying subaccounts.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and recognizes that variable annuities and fixed annuities are fundamentally different products, and different factors should be considered when determining whether or not a variable annuity or fixed annuity is suitable for the customer. The director has modified the rule to apply the FINRA model variable annuity standards that also apply to fixed annuities and eliminated those variable annuity standards that do not apply to fixed annuities. The director has eliminated the concepts suggested by Mr. Hoffman.

COMMENT #12: Gary K. Hoffman, on behalf of Kansas City Life Insurance Company, commented that the requirement that the producer have a reasonable basis to believe that the customer “would” benefit from the features of a deferred annuity in part (1)(C)1.A.(II) is an impossible standard. The most that can be stated with assurance at the time of sale is that these features are of benefit to most annuity purchasers. Mr. Hoffman suggests changing “would” to “can” or some similar term. Same comment for the “would” in part (1)(C)1.B.(II).

RESPONSE: The director disagrees with this comment. The language referenced is consistent with FINRA model language. A contracted benefit is still a benefit, though not yet realized. No changes have been made to the rule as a result of this comment.

COMMENT #13: Kim O’Brien, on behalf of National Association for Fixed Annuities, commented that if the department decides not to adopt the NAIC Suitability Model, the department should incorporate the NAIC Suitability Model provisions that acknowledge the unique differences between fixed and variable annuities for record keeping, suitability determination, and supervision, and to remove those that are in conflict or incongruent with the determination of suitability ad sales of fixed annuities.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and recognizes that variable annuities and fixed annuities are fundamentally different products, and different factors should be considered when determining whether or not a variable annuity or fixed annuity is suitable for the customer. The director has modified the rule to apply the FINRA model variable annuity standards that also apply to fixed annuities and eliminated those variable annuity standards that do not apply to fixed annuities.

COMMENT #14: Eric C. Dupont, on behalf of MetLife, and C. Bryan Cox, on behalf of ACLI, commented that any rule the department adopts should not go beyond the National Association of Securities Dealers (NASD) FINRA rules 2310 and 2821.

RESPONSE AND EXPLANATION OF CHANGE: The director disagrees with this comment, in part. The director has modified the rule to incorporate the consumer suitability protections outlined in NASD FINRA 2821 relevant to deferred variable annuities that also apply to indexed annuities.

COMMENT #15: Eric C. Dupont, on behalf of MetLife, requested that the rule be clarified to require efforts to obtain information regarding life expectancy or health status only in connection with life insurance, not annuities.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #16: Eric C. Dupont, on behalf of MetLife, commented that the term “covered annuity” be accompanied by a reference to 20 CSR 700-1.005(2)(C) to clarify what is considered a covered annuity by Missouri rules.

RESPONSE AND EXPLANATION OF CHANGE: The director disagrees with this comment, but has modified the rule to eliminate the term “covered annuity” to reduce confusion.

COMMENT #17: Eric C. Dupont, on behalf of MetLife, suggested that a reference be made to section 375.012, RSMo, to define the term “producer,” as it is used throughout the rule.

RESPONSE: The director agrees with this comment and has modified 20 CSR 700-1.005 to incorporate a definition for “producer” as suggested by Mr. Dupont.

COMMENT #18: Eric C. Dupont, on behalf of MetLife, commented as follows regarding part (1)(C)1.A.(I)—This section appears to follow FINRA rule 2821. However, rule 2821 applies these “recommendation requirements” to deferred variable annuities only. Extending these requirements to fixed products would impose new burdens on producers in developing their recommendations. The information this section would require to be considered in the recommendation to purchase or exchange a deferred annuity seems to have significant overlap with the suitability requirements contained elsewhere in the rule, as well as with 20 CSR 400-5.400 Replacement of Life Insurance and Annuities and 20 CSR 400-5.410 Disclosure of Material Facts in Annuity Sales. Given the vast amount of information that must be provided to consumers and numbers considerations that must be undertaken by producers, the department should coordinate the referenced rules with this rule to streamline the process.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule to eliminate much of the burden for fixed annuities.

COMMENT #19: Eric C. Dupont, on behalf of MetLife, commented that the department should consider the use of the Straight Through Processing (STP) system developed by National Association for Variable Annuities (NAVA) and whether STP can help in the efficiency and thoroughness of the information gathering and exchange that accompanies an annuity sale.

RESPONSE: The director considered the STP. The STP appears to apply to company oversight rather than producer recommendations. No changes have been made to the rule in response to this comment.

COMMENT #20: Eric C. Dupont, on behalf of MetLife, commented that the record keeping requirements of the NAIC Suitability in Annuity Transaction (SAT) model be used in Missouri because the proposed requirement will require a unique Missouri-only form to be produced, signed, and maintained by producers.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment in part and has modified the rule to eliminate the signature requirement.

COMMENT #21: C. Bryan Cox, on behalf of ACLI, commented that insurance producers should not be expected (nor do they have the expertise required) to evaluate a prospective client’s life expectancy and health condition.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #22: C. Bryan Cox, on behalf of ACLI, commented that the reference to “other covered annuities” in subsection (1)(B) heading is unclear. Mr. Cox recommended that the department delete that phrase in the subsection (1)(B) heading.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule accordingly.

COMMENT #23: C. Bryan Cox, on behalf of ACLI, recommended that the department delete subsection (1)(C) All Deferred Annuities, because of the confusion it creates with the other suitability requirements found in subsection (1)(A) Variable Annuities and Variable

Life Insurance, and subsection (1)(B) Fixed, Indexed or Other Covered Annuities.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and has modified the rule to ease confusion over which standards apply to different products.

COMMENT #24: C. Bryan Cox, on behalf of ACLI, commented that section (2) Record Keeping should be replaced with the NAIC Model’s record keeping requirements.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment, in part, and has modified the rule to eliminate the signature requirement. Such modification is more consistent with the NAIC model rule record keeping requirements.

20 CSR 700-1.146 Recommendations of Annuities or Variable Life Insurance to Customers (Suitability)

(1) The standards of conduct codified in this rule reflect the professionalism of a licensed insurance producer. Grounds for the discipline or disqualification of producers shall include, in addition to other grounds specified in section 375.141, RSMo, failure to comply with or violation of the following professional standards of conduct:

(A) Variable Annuities and Variable Life Insurance.

1. In recommending to an individual customer the purchase, sale, or exchange of any variable life or variable annuity product, a producer shall have reasonable grounds for believing that the recommendation is suitable for such customer upon the basis of the facts, if any, disclosed by such customer as to his other investment holdings and as to his financial situation and needs.

2. Prior to the execution of a variable life or variable annuity transaction recommended to an individual customer, a producer shall make reasonable efforts to obtain information concerning—

A. The customer’s financial status, including annual income, financial situation and needs, and existing assets;

B. The customer’s tax status;

C. The customer’s financial objectives, including investment objectives, reasonably anticipated income needs, and risk tolerance;

D. The customer’s investment time horizon, liquid net worth, and current and reasonably anticipated needs for liquidity; and

E. Such other information used or considered to be reasonable by such producer in making recommendations to the customer.

3. No producer shall recommend to any customer the purchase or exchange of any deferred variable annuity, unless the producer has a reasonable basis to believe:

A. That the transaction is suitable in accordance with this rule and, in particular, that there is a reasonable basis to believe that—

(I) The customer has been informed, in general terms, of various features of deferred variable annuities, such as the potential surrender period and surrender charge; potential tax penalty if the customer sells or redeems deferred variable annuities before reaching the age of fifty-nine and one half (59½); mortality and expense fees; investment advisory fees; potential charges for and features of riders; the benefit and investment components of deferred variable annuities; and market risk;

(II) The customer would benefit from certain features of deferred variable annuities, such as tax-deferred growth, annuitization, or a death or living benefit; and

(III) The particular deferred variable annuity as a whole, the underlying subaccounts to which funds are allocated at the time of the purchase or exchange of the deferred variable annuity, and riders and similar product enhancements, if any, are suitable (and, in the case of an exchange, the transaction as a whole also is suitable) for the particular customer based on the information required by this rule; and

B. In the case of an exchange of a deferred variable annuity, the exchange also is consistent with the suitability determination required by subparagraph (1)(A)3.A. of this rule, taking into consideration whether—

(I) The customer would incur a surrender charge, be subject to the commencement of a new surrender period, lose existing benefits (such as death, living, or other contractual benefits), or be subject to increased fees or charges (such as mortality and expense fees, investment advisory fees, or charges for riders and similar product enhancements);

(II) The customer would benefit from product enhancements and improvements; and

(III) The customer's account has had another deferred annuity exchange within the preceding thirty-six (36) months.

4. Interpretation of subsection (1)(A) of this rule shall be guided by judicial and administrative opinions and decisions construing substantially similar requirements of the Financial Industry Regulatory Authority (FINRA) or its predecessor organizations.

(B) Indexed Annuities.

1. In recommending to an individual customer the purchase, sale, or exchange of an indexed annuity, a producer shall have reasonable grounds for believing that the recommendation is suitable for such customer upon the basis of the facts, if any, disclosed by such customer as to his or her insurance and investment holdings and as to his or her current and reasonably anticipated financial situation and needs.

2. Prior to the execution of an indexed annuity transaction recommended to an individual customer, a producer shall make reasonable efforts to obtain information concerning—

A. The customer's financial status, including annual income, financial situation and needs, and existing assets;

B. The customer's tax status;

C. The customer's financial objectives, including investment objectives, reasonably anticipated income needs, and risk tolerance;

D. The customer's investment time horizon, liquid net worth, and current and reasonably anticipated needs for liquidity; and

E. Such other information used or considered to be reasonable by such producer in making recommendations to the customer.

3. No producer shall recommend to any customer the purchase or exchange of a deferred indexed annuity unless the producer has a reasonable basis to believe:

A. That the transaction is suitable in accordance with this rule and, in particular, that there is a reasonable basis to believe that—

(I) The customer has been informed, in general terms, of various features of deferred indexed annuities, such as the potential surrender period and surrender charge; potential tax penalty if a customer sells or redeems deferred indexed annuities before reaching the age of fifty-nine and one half (59½); mortality and expense fees; potential charges for and features of riders; the benefit and accumulation components of deferred indexed annuities; and market risk;

(II) The particular deferred indexed annuity as a whole, the underlying accumulation provisions and riders and similar product enhancements, if any, are suitable (and, in the case of an exchange, the transaction as a whole also is suitable) for the particular customer based on the information required by this rule; and

B. In the case of an exchange of a deferred indexed annuity, the exchange also is consistent with the suitability determination required by subparagraph (1)(B)3.A. of this rule, taking into consideration whether—

(I) The customer would incur a surrender charge, be subject to the commencement of a new surrender period, lose existing benefits (such as death, living, or other contractual benefits), or be subject to increased fees or charges (such as mortality and expense fees, investment advisory fees, or charges for riders and similar product enhancements);

(II) The customer would benefit from product enhancements and improvements; and

(III) The customer's account has had another deferred indexed annuity exchange within the preceding thirty-six (36) months.

(C) Fixed Annuities.

1. In recommending to an individual customer the purchase, sale, or exchange of a fixed annuity, a producer shall have reasonable grounds for believing that the recommendation is suitable for such customer upon the basis of the facts, if any, disclosed by such customer as to his or her insurance and investment holdings and as to his or her current and reasonably anticipated financial situation and needs.

2. Prior to the execution of a fixed annuity transaction recommended to an individual customer, a producer shall make reasonable efforts to obtain information concerning—

A. The customer's financial status, including annual income, financial situation and needs, and existing assets;

B. The customer's tax status;

C. The customer's financial objectives, including investment objectives, reasonably anticipated income needs, and risk tolerance;

D. The customer's investment time horizon, liquid net worth, and current and reasonably anticipated needs for liquidity; and

E. Such other information used or considered to be reasonable by such producer in making recommendations to the customer.

(2) The standards of conduct in this rule shall not apply to the following:

(A) Unless a producer is making a recommendation to an individual plan participant, any annuity used to fund—

1. An employee pension or welfare benefit plan that is covered by the Employee and Retirement Income Security Act (ERISA);

2. Any tax-qualified, employer sponsored retirement or benefit plan that meets the requirements of *Internal Revenue Code*, Sections 401(a), 401(k), 403(b), 408(k), or 408(p);

3. Any government or church plan that meets the requirements of *Internal Revenue Code*, Section 414;

4. Any government or church welfare benefit plan, or any deferred compensation plan of a state or local government or tax exempt organization, that meets the requirements of *Internal Revenue Code*, Section 457; or

5. Any nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor; or

(B) Any annuity transaction used to fund settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process.

(3) Record Keeping. The determinations required by this rule shall be documented by the producer recommending the transaction.

(4) No person shall materially aid any other person in any violation or failure to comply with any standard set forth in this rule.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000 and section 375.143, RSMo Supp. 2007, the director amends a rule as follows:

**20 CSR 700-1.147 Reasonable Supervision in Variable Life and
Variable Annuity Sales is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 85-88). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed

amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.040, 374.045, and 375.013, RSMo 2000 and section 375.143, RSMo Supp. 2007, the director adopts a rule as follows:

20 CSR 700-1.152 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2008 (33 MoReg 91). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 8, 2008. At the public hearing and in written comments, department staff explained the proposed rule and made comments in support of the proposed rule and suggested changes to the proposed rule. At the public hearing and in written comments, representatives of American Council of Life Insurers (ACLI) made comments regarding the rule.

COMMENT #1: C. Bryan Cox, Miriam Krol, and Amanda K. Matthiesen, on behalf of American Council of Life Insurers (ACLI), commented that Missouri already has a long-term care suitability rule in 20 CSR 400-4.100 and does not need additional suitability rules.

RESPONSE: The director agrees that 20 CSR 400-4.100 addresses suitability, but it only requires companies develop and use suitability standards to determine whether the purchase or replacement of long-term care insurance is appropriate for the needs of the customer. The current rule focuses on a customer's ability to pay and fails to address various other factors that affect suitability. The director believes the rule, as modified, effectively incorporates the information currently embodied in the suitability worksheet referenced in 20 CSR 400-4.100, or is otherwise generally necessary for a producer to have reasonable grounds to believe a recommendation of a long-term care contract is suitable for the customer. No changes have been made to the rule as a result of this comment.

COMMENT #2: Miriam Krol and Amanda K. Matthiesen, on behalf of ACLI, commented that some of the information required by the proposed rule may conflict with concerns about privacy and identity theft.

RESPONSE: The producer would have significant duties to protect the identity of the customer and any financial information gathered in documenting the suitability of the recommendation, but that responsibility is not justification to avoid the duty to have reasonable grounds to believe a recommendation is suitable. No changes have been made to the rule as a result of this comment.

COMMENT #3: Miriam Krol and Amanda K. Matthiesen, on behalf of ACLI, commented that the proposed rule may adversely impact direct sales, Internet sales, worksite sales, and employer sales because member companies believe that employers may have con-

cerns about requiring employees to disclose financial and personal information.

RESPONSE: If direct sales, Internet sales, and employer sales involve producers, then the conduct rule outlined in 20 CSR 700-1.145 Standards of Commercial Honor and Principles of Trade in Life, Annuity and Long-Term Care Insurance Sales applies. No changes have been made to the rule as a result of this comment.

COMMENT #4: The director received numerous comments encouraging the department to promulgate a rule that is more consistent with other states' regulations.

RESPONSE AND EXPLANATION OF CHANGE: The director has amended this rule to delete the customer's insurance objectives, investment objectives and investment and insurance experience as suitability considerations.

20 CSR 700-1.152 Recommendations of Long-Term Care Insurance to Customers (Suitability)

(1) The professional standards of conduct codified in this rule reflect standards of a licensed insurance producer. Grounds for the discipline or disqualification of producers shall include, in addition to other grounds specified in section 375.141, RSMo, failure to comply with or violation of the following professional standards of conduct:

(A) Long-Term Care Insurance.

1. In recommending to an individual customer the purchase, sale, or exchange of a long-term care insurance contract, a producer shall have reasonable grounds for believing that the recommendation is suitable for such customer upon the basis of the facts, if any, disclosed by such customer as to his insurance and investments and as to his current and reasonably anticipated financial situation and needs.

2. Prior to the execution of a long-term care insurance transaction recommended to an individual customer, a producer shall make reasonable efforts to obtain information concerning—

- A. The customer's financial status, including annual income, financial situation and needs, and existing assets;
- B. The customer's tax status;
- C. The customer's financial objectives;
- D. The customer's long-term care objectives; and
- E. Such other information used or considered to be reasonable by such producer in making recommendations to the customer;

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 700—Insurance Licensing
Chapter 2—Public Adjusters and Public Adjuster
Solicitors**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director adopts a rule as follows:

20 CSR 700-2.005 Scope and Definitions is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 2, 2008 (33 MoReg 93). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 2—Public Adjusters and Public Adjuster
Solicitors**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 325.050 and 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-2.100 Public Adjusters is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 93-94). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 2—Public Adjusters and Public Adjuster
Solicitors**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 325.050 and 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-2.300 Public Adjuster Contracts is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 94). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 3—Education Requirements**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-3.200 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2,

2008 (33 MoReg 94-96). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing was held on February 7, 2008 and the comment period ended at 5:00 p.m. on February 8, 2008. At the public hearing and in written comments, department staff explained the proposed amendment and made comments in support of the proposed amendment and suggested changes to the proposed amendment. At the public hearing, representatives of the Missouri Association of Insurance Agents (MAIA) made comments regarding the rule.

COMMENT #1: Larry Case, on behalf of Missouri Association of Insurance Agents (MAIA), commented that the ethics requirement should not be enforced until January 1, 2009.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this suggestion and has modified the rule accordingly.

COMMENT #2: Larry Case, on behalf of MAIA, commented that the department should reconsider automatic approval of Missouri Bar-approved continuing legal education because many Missouri Bar-approved courses do not relate to insurance.

RESPONSE AND EXPLANATION OF CHANGE: The director agrees with this comment and will modify the rule accordingly.

20 CSR 700-3.200 Continuing Education

(2) Beginning January 1, 2009, of those hours of continuing education required by section 375.010.1, RSMo, insurance producers licensed in any of the lines of authority designated in sections 375.018.1(1) through (6), RSMo, must complete three (3) hours of instruction covering ethics, Missouri law, and producer duties and obligations to the department during any two (2)-year licensure period. Courses on ethics, laws, and duties must be approved as such by the director to be eligible for meeting this requirement.

(3) Courses by Approved Professional Organizations. In addition to those programs of instruction designated in section 375.020.2, RSMo as meeting the director's standards for continuing education requirements, courses taken as part of the following programs of study or courses approved by the enumerated professional organizations are deemed to meet the same:

(H) Missouri Bar Association-approved continuing legal education relating to insurance.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 4—Utilization Review**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under sections 374.515, RSMo 2000 and section 376.1399, RSMo Supp. 2007, the director amends a rule as follows:

20 CSR 700-4.100 Utilization Review is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 96). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 700—Insurance Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-6.100 Applications, Fees and Renewals—Bail Bond Agents, General Bail Bond Agents and Surety Recovery Agents
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 96-97). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 700—Insurance Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-6.150 Initial Basic Training for Bail Bond Agents, General Bail Bond Agents and Surety Recovery Agents
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 97). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 700—Insurance Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-6.160 Continuing Education for Bail Bond Agents, General Bail Bond Agents and Surety Recovery Agents
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 97-98). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 700—Insurance Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-6.170 Change of Status Notification for Bail Bond Agents, General Bail Bond Agents and Surety Recovery Agents
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 98). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 700—Insurance Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-6.200 Assignment and Acknowledgement
is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 98-99). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-6.250 Assignment of Additional Assets **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 99). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 6—Bail Bond Agents and Surety Recovery
Agents**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-6.300 Affidavits **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 99). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 7—Reinsurance Intermediary**

ORDER OF RULEMAKING

By the authority vested in the director of the Missouri Department of Insurance, Financial Institutions and Professional Registration under section 374.045, RSMo 2000, the director amends a rule as follows:

20 CSR 700-7.100 Reinsurance Intermediary License **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 2, 2008 (33 MoReg 99–100). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This pro-

posed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

FISCAL YEAR 2008 BUDGET PLAN

PURPOSE: This proposed budget is filed in compliance with the provisions of section 323.020.10, RSMo Supp. 2007 which require the Missouri Propane Gas Commission to prepare and submit for public comment a budget plan.

ASSESSMENT INCOME:

Estimated Collections: (two months at 1/10 cent)	\$12,000
Missouri Propane Gas Association (MPGA) loan:	\$15,000
Estimated Interest:	\$ 0
Total Income:	\$27,000

EXPENSES:

PROGRAMS:

Mailings:	\$1,000
National Fire Protection Association (NFPA) Seminar:	\$1,500

ADMINISTRATIVE EXPENSES:

Computer Expenses:	\$10,000
Data Review:	\$ 2,500
Board expenses:	\$ 1,000
Office Furniture:	\$ 2,500
Personnel Hiring Expenses:	\$ 1,500
Data Transfer from Missouri Department of Agriculture (MDA):	\$ 1,000
Part-time help:	\$ 3,500
Phones/fax/Internet:	\$ 2,500
Total Expenses:	\$27,000

AUTHORITY: section 323.020.10, RSMo Supp. 2007.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of, or in opposition to, this proposed budget with the Missouri Department of Agriculture, Weights and Measures, Kurt Valentine, PO Box 630, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**DEPARTMENT OF AGRICULTURE
Division 90—Weights and Measures
Chapter 10—Liquefied Petroleum Gases**

FISCAL YEAR 2009 BUDGET PLAN

PURPOSE: This proposed budget is filed in compliance with the provisions of section 323.020.10, RSMo Supp. 2007 which require the Missouri Propane Gas Commission to prepare and submit for public comment a budget plan.

ASSESSMENT INCOME:

Estimated Collections: (two months at 2/10 cent)	\$580,000
Total Income:	\$580,000

EXPENSES:

Personal Services:	\$300,000
Expense and Equipment	\$209,800
Total Expenses:	\$509,800

AUTHORITY: section 323.020.10, RSMo Supp. 2007.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of, or in opposition to, this proposed budget with the Missouri Department of Agriculture, Weights and Measures, Kurt Valentine, PO Box 630, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 140—Division of Energy
Chapter 2—Energy Set-Aside Fund**

IN ADDITION

Notification: Applications Accepted for Regular Energy-Efficiency Loan Cycle

The Energy Center, through the Energy Revolving Fund, provides loans to public schools, universities, colleges, cities, counties, public hospitals and water treatment plants to help reduce energy costs. This loan financing may be used for various energy-saving investments, including projects such as upgrading insulation, lighting systems, heating and cooling systems, windows and other items that affect your energy use.

Loan recipients will benefit from increased occupant comfort in their buildings and reduced energy costs. This loan financing also frees up tax dollars that school districts, higher education facilities and local governments can use for essential services or other capital improvements. Loan recipients repay the loan with money saved on energy costs as a result of implementing the energy-efficiency projects. These loans are not defined as debt. Thus, this loan financing does not count against debt limits or require a public vote or bond issuance.

Application Procedures

This is the announcement of the beginning of a new regular energy loan cycle. To apply for a loan, eligible entities must submit a completed application form to the department during an open application cycle. **Applications will be accepted between June 1, 2008 and October 15, 2008. This is a competitive loan cycle. New loan agreements will be awarded by December 31, 2008.**

For this competitive loan cycle, the Department of Natural Resources has \$3.8 million available for energy-efficiency loan projects. Each applicant may apply for a loan not to exceed \$1 million. If sufficient funds remain after review of all loan applications and priority ranking of loan applications, the department will consider awarding loans in excess of \$1 million to applicants who may desire larger loans and for which the project is expected to achieve adequate energy savings to support a larger loan. Loans will be awarded for a term not to exceed fifteen (15) years.

Loan funds will be allocated to eligible sectors as follows:

Public Schools (K-12) fifty percent (50%) of available funds;
City and County Governments twenty-five percent (25%) of available funds; and
Public Higher Education Institutions twenty-five percent (25%) of available funds.

If excess funds remain in any sector, the Energy Center may allocate them to other sectors. The loan recipients will be determined on a competitive basis. To determine which applicants will receive funding, applications will be ranked based on project payback, which will be determined by dividing the cost to implement a project by the estimated yearly energy cost savings. Projects with the lowest payback score in each sector allocation will be funded until all available funds are allocated. In case of identical payback scores, the eligible applicant with the highest percentage total of British thermal unit (BTU) savings will receive funding. Any applicant with ongoing enforcement issues with the Department of Natural Resources will be disqualified.

Interest Rates

Because of the dynamics in today's financial markets and to provide our applicants with below-market borrowing costs, the department is implementing a new method for establishing loan interest rates. Interest rates for these loans will be established in early December and will be set one-half of one percent below the 20-Bond Index interest rate. This index is an average of twenty (20) municipal general obligation bonds with a rating of approximately Aa2. The 20-Bond Index interest rate is published weekly by the *The Bond Buyer*, a newspaper of public finance. This index will serve as the benchmark against which interest rates for the Energy Center's energy-efficiency loans will be set. For example, the 20-Bond Index interest rate for the week of April 28, 2008, is 4.68 percent. If the Energy Center were preparing loan agreements this week, the interest rate for all loans would be 4.18 percent.

Examples of Past Projects Funded Through the Energy Revolving Fund

Since the Energy Revolving Funds was initiated in 1989, the Energy Center has made four hundred seventy-eight (478) loans to finance more than eighty (80) million dollars in energy-efficiency projects being completed and more than one hundred forty-six (146) million dollars in cumulative energy savings. Examples of recently completed projects are:

Location	Project	Construction Amount
Halfway R-III School District	Installed new ballfield lights	\$13,724
Eminence R-I School District	Upgraded heating plant, installed insulation and programmable thermostats	\$28,117
Carroll County Courthouse	Installed new windows	\$32,020
La Plata R-II School District	Upgraded lighting, installed windows and insulation	\$93,123
Forsyth R-III School District	Upgraded lighting	\$164,947
Lebanon R-III School District	Installed ground-source heat pump	\$230,504
Jefferson City School District	Upgraded lighting and heating plant	\$618,953
Mineral Area College	Upgraded lighting and HVAC system	\$1,132,216
Nevada Regional Medical Center	Upgraded HVAC system and installed windows	\$1,317,683

For More Information Contact:

www.dnr.mo.gov/energy

Missouri Department of Natural Resources Energy Center
PO Box 176
Jefferson City, MO 65102-0176
Jefferson City 573-751-3443 or 1-800-361-4827
Kansas City 816-759-7313, ext. 2263
St. Louis 314-416-2960

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for August 4, 2008. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

05/22/08

#4189 RS: Sunrise of Webster Groves
Webster Groves (St. Louis County)
\$22,130,823, Establish 132-bed assisted living facility (ALF)

05/23/08

#4224 RS: St. Jude Meadows
Dixon (Pulaski County)
\$750,000, Establish 24-bed ALF

#4216 HS: St. John's Health System
Springfield (Greene County)
\$1,650,000, Acquire robotic surgery system

#4213 RS: Fountain View
St. Louis (St. Louis County)
\$3,885,221, Add 60 ALF beds

#4218 NS: J-S Northland
Kansas City (Platte County)
\$10,054,389, Establish 80-bed skilled nursing facility

#4219 RS: J-S Northland
Kansas City (Platte County)
\$10,862,401, Establish 90-bed ALF

#4223 FS: St. Louis Urology
St. Louis (St. Louis County)
\$1,115,385, Replace linear accelerator

#4217 HS: Lester E. Cox Medical Centers
Springfield (Greene County)
\$1,650,000, Acquire robotic surgery system

#4215 HS: Freeman Health System
Joplin (Newton County)
\$1,783,338, Acquire additional magnetic resonance imager (MRI)

#4222 HS: Moberly Regional Medical Center
Moberly (Randolph County)
\$1,875,000, Replace MRI

#4220 HS: MO Baptist Medical Center/Sunset Hills
Sunset Hills (St. Louis County)
\$1,382,311, Replace MRI

#4225 HS: Parkland Health Center
Farmington (St. Francois County)
\$1,382,311, Replace MRI

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by June 26, 2008. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

For additional information contact
Donna Schuessler, (573) 751-6403.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

EXPEDITED APPLICATION REVIEW SCHEDULE

The Missouri Health Facilities Review Committee has initiated review of the expedited applications listed below. A decision is tentatively scheduled for June 23, 2008. These applications are available for public inspection at the address shown below:

Date Filed

Project Number: Project Name
City (County)
Cost, Description

04/16/08

#4201 RP: Ozark Manor
Fredericktown (Madison County)
\$508,800, LTC bed expansion through the purchase of 12 residential care facility beds from Independence Square Residential Care Center, Perryville (Perry County)

#4202 NP: Carmel Hills Healthcare and Rehabilitation Center
Independence (Jackson County)
\$740,000, LTC bed expansion through the purchase of 38 skilled nursing facility beds from Hannibal Regional Hospital, Hannibal (Marion County)

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by June 12, 2008. All written requests and comments should be sent to:

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
Post Office Box 570
Jefferson City, MO 65102

For additional information contact
Donna Schuessler, (573) 751-6403.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF DISSOLUTION AND WINDING UP
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
GRANVILLE, L.P.

On 4/30/2008, GRANVILLE, L.P., a Missouri limited partnership, was dissolved upon the filing of a Certificate of Cancellation with the Secretary of State.

Said partnership requests that all persons and organizations who have claims against it present them immediately by letter to: Christopher E. Erblich, Esq., Husch Blackwell Sanders LLP, 190 Carondelet Plaza, Suite 600, St. Louis, MO 63105. All claims must include the claimant's name, address and telephone number, the amount, date and basis for the claim.

ANY CLAIMS AGAINST GRANVILLE, L.P. WILL BE BARRED UNLESS A PROCEEDING TO ENFORCE THE CLAIM IS COMMENCED WITHIN THREE YEARS AFTER THE LAST PUBLICATION DATE OF THE NOTICES AUTHORIZED BY STATUTE.

NOTICE OF DISSOLUTION
TO ALL CREDITORS OF AND
CLAIMANTS AGAINST
FLORSHEIM PROPERTIES, LLC

On April 21, 2008, Florsheim Properties, LLC, a Missouri limited liability company (the "Company"), filed its Notice of Winding Up for a Limited Liability Company with the Secretary of State of Missouri. The Company requests that any and all claims against the Company be presented by letter to the Company in care of Joseph A. Wotka, 929 Demun, St. Louis, Missouri 63105. Each claim against the Company must include the following information: the name, the address and telephone number of the claimant; the amount of the claim; the date on which the claim arose; a brief description of the nature of or the basis for the claim; and any documentation related to the claim. All claims against the Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 10-9.010	Commissioner of Administration		33 MoReg 407	33 MoReg 1087	
1 CSR 10-11.010	Commissioner of Administration		33 MoReg 5R 33 MoReg 5	33 MoReg 989R 33 MoReg 989	
1 CSR 10-11.020	Commissioner of Administration		33 MoReg 7	33 MoReg 990	
1 CSR 10-11.030	Commissioner of Administration		33 MoReg 7	33 MoReg 1087	
1 CSR 30-2.010	Division of Facilities Management, Design and Construction		32 MoReg 2467R	33 MoReg 990R	
1 CSR 30-2.020	Division of Facilities Management, Design and Construction		32 MoReg 2467R 32 MoReg 2468	33 MoReg 991R 33 MoReg 991	
1 CSR 30-2.030	Division of Facilities Management, Design and Construction		32 MoReg 2468R 32 MoReg 2469	33 MoReg 991R 33 MoReg 991	
1 CSR 30-2.040	Division of Facilities Management, Design and Construction		32 MoReg 2470R 32 MoReg 2470	33 MoReg 991R 33 MoReg 991	
1 CSR 30-2.050	Division of Facilities Management, Design and Construction		32 MoReg 2473R 32 MoReg 2473	33 MoReg 992R 33 MoReg 992	
1 CSR 30-3.010	Division of Facilities Management, Design and Construction		32 MoReg 2473R 32 MoReg 2473	33 MoReg 992R 33 MoReg 992	
1 CSR 30-3.020	Division of Facilities Management, Design and Construction		32 MoReg 2474R 32 MoReg 2474	33 MoReg 992R 33 MoReg 993	
1 CSR 30-3.025	Division of Facilities Management, Design and Construction		32 MoReg 2476	33 MoReg 993	
1 CSR 30-3.030	Division of Facilities Management, Design and Construction		32 MoReg 2480R 32 MoReg 2481	33 MoReg 993R 33 MoReg 994	
1 CSR 30-3.035	Division of Facilities Management, Design and Construction		32 MoReg 2483	33 MoReg 994	
1 CSR 30-3.040	Division of Facilities Management, Design and Construction		32 MoReg 2484R 32 MoReg 2484	33 MoReg 995R 33 MoReg 995	
1 CSR 30-3.050	Division of Facilities Management, Design and Construction		32 MoReg 2487R 32 MoReg 2487	33 MoReg 995R 33 MoReg 995	
1 CSR 30-3.060	Division of Facilities Management, Design and Construction		32 MoReg 2488R 32 MoReg 2488	33 MoReg 996R 33 MoReg 996	
1 CSR 30-4.010	Division of Facilities Management, Design and Construction		32 MoReg 2489R 32 MoReg 2490	33 MoReg 996R 33 MoReg 996	
1 CSR 30-4.020	Division of Facilities Management, Design and Construction		32 MoReg 2490R 32 MoReg 2490	33 MoReg 996R 33 MoReg 996	
1 CSR 30-4.030	Division of Facilities Management, Design and Construction		32 MoReg 2492R 32 MoReg 2492	33 MoReg 997R 33 MoReg 997	
1 CSR 30-4.040	Division of Facilities Management, Design and Construction		32 MoReg 2493R 32 MoReg 2493	33 MoReg 997R 33 MoReg 997	
1 CSR 30-5.010	Division of Facilities Management, Design and Construction		32 MoReg 2495R 32 MoReg 2495	33 MoReg 997R 33 MoReg 998	
1 CSR 70-1.010	Missouri Assistive Technology Advisory Council (<i>Changed to 5 CSR 110-1.010</i>)		33 MoReg 194	33 MoReg 1089	
1 CSR 70-1.020	Missouri Assistive Technology Advisory Council (<i>Changed to 5 CSR 110-1.020</i>)		33 MoReg 197	33 MoReg 1090	
2 CSR 30-2.040	DEPARTMENT OF AGRICULTURE Animal Health		33 MoReg 717		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
2 CSR 70-40.015	Plant Industries		33 MoReg 627		
2 CSR 70-40.017	Plant Industries		33 MoReg 628		
2 CSR 70-40.025	Plant Industries		33 MoReg 628		
2 CSR 70-40.040	Plant Industries		33 MoReg 629		
2 CSR 70-40.055	Plant Industries		33 MoReg 630R		
2 CSR 90-10	Weight and Measures				This Issue
2 CSR 90-30.040	Weights and Measures	33 MoReg 399			
2 CSR 110-2.010	Office of the Director		32 MoReg 1909		
2 CSR 110-3.010	Office of the Director	33 MoReg 311	32 MoReg 1170	33 MoReg 101	
DEPARTMENT OF CONSERVATION					
3 CSR 10-1.010	Conservation Commission		33 MoReg 1073		
3 CSR 10-5.205	Conservation Commission		33 MoReg 907		
3 CSR 10-5.220	Conservation Commission		33 MoReg 907		
3 CSR 10-7.432	Conservation Commission		N.A.	33 MoReg 1087	
3 CSR 10-7.433	Conservation Commission		N.A.	33 MoReg 1088	
3 CSR 10-7.435	Conservation Commission		N.A.	33 MoReg 1088	
3 CSR 10-7.437	Conservation Commission		N.A.	33 MoReg 1088	
3 CSR 10-7.455	Conservation Commission		N.A.	33 MoReg 261	33 MoReg 276
3 CSR 10-11.180	Conservation Commission		32 MoReg 2143	33 MoReg 263	33 MoReg 685
3 CSR 10-12.109	Conservation Commission		33 MoReg 1075		
3 CSR 10-12.135	Conservation Commission		33 MoReg 1075		
3 CSR 10-12.140	Conservation Commission		33 MoReg 1076		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 240-3.162	Public Service Commission		32 MoReg 2340	33 MoReg 998	
4 CSR 240-18.010	Public Service Commission		This Issue		
4 CSR 240-20.091	Public Service Commission		32 MoReg 2354	33 MoReg 1009	
4 CSR 240-23.010	Public Service Commission		33 MoReg 407	This Issue	
4 CSR 240-23.020	Public Service Commission		33 MoReg 8	33 MoReg 930	
4 CSR 240-23.030	Public Service Commission		33 MoReg 18	33 MoReg 930	
4 CSR 240-31.050	Public Service Commission		33 MoReg 26	33 MoReg 931	
4 CSR 240-33.160	Public Service Commission		33 MoReg 522		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 50-270.010	Division of School Improvement		33 MoReg 436		
5 CSR 50-320.010	Division of School Improvement		33 MoReg 30R	33 MoReg 932R	
5 CSR 50-340.050	Division of School Improvement		33 MoReg 439		
5 CSR 60-100.020	Division of Career Education		33 MoReg 30	33 MoReg 932	
5 CSR 60-120.010	Division of Career Education		N.A.	This Issue	
5 CSR 80-631.010	Teacher Quality and Urban Education		33 MoReg 1076R		
5 CSR 80-800.200	Teacher Quality and Urban Education		33 MoReg 525		
5 CSR 80-800.220	Teacher Quality and Urban Education		33 MoReg 526		
5 CSR 80-800.230	Teacher Quality and Urban Education		33 MoReg 526		
5 CSR 80-800.260	Teacher Quality and Urban Education		33 MoReg 527		
5 CSR 80-800.270	Teacher Quality and Urban Education		33 MoReg 527		
5 CSR 80-800.280	Teacher Quality and Urban Education		33 MoReg 527		
5 CSR 80-800.285	Teacher Quality and Urban Education		33 MoReg 974		
5 CSR 80-800.350	Teacher Quality and Urban Education		33 MoReg 528		
5 CSR 80-800.360	Teacher Quality and Urban Education		33 MoReg 528		
5 CSR 80-800.380	Teacher Quality and Urban Education		33 MoReg 529		
5 CSR 80-850.045	Teacher Quality and Urban Education		33 MoReg 529R		
			33 MoReg 530		
5 CSR 80-860.050	Teacher Quality and Urban Education		33 MoReg 535		
5 CSR 100-200.170	Missouri Commission for the Deaf and Hard of Hearing	33 MoReg 312	33 MoReg 323	33 MoReg 1019	
5 CSR 110-1.010	Missouri Assistive Technology Advisory Council (Changed from 1 CSR 70-1.010)		33 MoReg 194	33 MoReg 1089	
5 CSR 110-1.020	Missouri Assistive Technology Advisory Council (Changed from 1 CSR 70-1.020)		33 MoReg 197	33 MoReg 1090	
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-10.010	Commissioner of Higher Education		33 MoReg 197	33 MoReg 932	
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.150	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-4.140	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-5.250	Air Conservation Commission		33 MoReg 1077R		
10 CSR 10-6.020	Air Conservation Commission		33 MoReg 630		
10 CSR 10-6.070	Air Conservation Commission		33 MoReg 908		
10 CSR 10-6.075	Air Conservation Commission		33 MoReg 909		
10 CSR 10-6.080	Air Conservation Commission		33 MoReg 910		
10 CSR 10-6.220	Air Conservation Commission		33 MoReg 643		
10 CSR 20-4.010	Clean Water Commission		33 MoReg 198		
10 CSR 20-6.010	Clean Water Commission		This Issue		
10 CSR 20-6.300	Clean Water Commission		This Issue		
10 CSR 20-7.031	Clean Water Commission		33 MoReg 205		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 140-2	Division of Energy				33 MoReg 1103 This Issue
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 40-7.010	Division of Fire Safety	33 MoReg 967	33 MoReg 976		
11 CSR 45-4.050	Missouri Gaming Commission		33 MoReg 41R	This Issue	
DEPARTMENT OF REVENUE					
12 CSR 10-23.395	Director of Revenue		32 MoReg 323R	33 MoReg 1019R	
12 CSR 10-26.010	Director of Revenue		This Issue		
12 CSR 10-26.020	Director of Revenue		33 MoReg 324	33 MoReg 1019	
12 CSR 10-26.040	Director of Revenue		This Issue		
12 CSR 10-26.060	Director of Revenue		33 MoReg 324	33 MoReg 1019	
12 CSR 10-26.210	Director of Revenue		This Issue		
12 CSR 10-41.010	Director of Revenue	32 MoReg 2327	32 MoReg 2367	33 MoReg 681	
12 CSR 30-1.010	State Tax Commission		33 MoReg 325	33 MoReg 1019	
12 CSR 30-1.020	State Tax Commission		33 MoReg 325	33 MoReg 1019	
12 CSR 30-2.021	State Tax Commission		33 MoReg 326	33 MoReg 1020	
12 CSR 30-3.010	State Tax Commission		33 MoReg 326	33 MoReg 1020	
12 CSR 30-4.010	State Tax Commission		33 MoReg 327	33 MoReg 1020	
DEPARTMENT OF SOCIAL SERVICES					
13 CSR 30-4.010	Child Support Enforcement		33 MoReg 1078R		
13 CSR 70-3.100	Division of Medical Services		33 MoReg 328	33 MoReg 1020	
13 CSR 70-3.170	MO HealthNet Division		33 MoReg 785		
13 CSR 70-3.190	Division of Medical Services		33 MoReg 329		
13 CSR 70-4.080	Division of Medical Services		33 MoReg 542		
13 CSR 70-4.120	MO HealthNet Division		33 MoReg 440		
13 CSR 70-5.010	MO HealthNet Division		33 MoReg 545		
13 CSR 70-15.020	MO HealthNet Division		33 MoReg 545		
13 CSR 70-45.010	MO HealthNet Division		33 MoReg 789		
13 CSR 70-92.010	Division of Medical Services		33 MoReg 213	33 MoReg 1091	
13 CSR 70-95.010	Division of Medical Services		33 MoReg 217	33 MoReg 1020	
13 CSR 70-97.010	MO HealthNet Division		33 MoReg 548		
ELECTED OFFICIALS					
15 CSR 30-51.170	Secretary of State		33 MoReg 910		
15 CSR 30-51.172	Secretary of State		33 MoReg 913		
RETIREMENT SYSTEMS					
16 CSR 20-2.010	Missouri Local Government Employees' Retirement System (LAGERS)		33 MoReg 723		
16 CSR 20-2.015	Missouri Local Government Employees' Retirement System (LAGERS)		33 MoReg 724		
16 CSR 50-2.110	The County Employees' Retirement Fund		33 MoReg 333	33 MoReg 1020	
BOARDS OF POLICE COMMISSIONERS					
17 CSR 20-2.025	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.035	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.065	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.075	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.085	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.105	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.125	St. Louis Board of Police Commissioners		This Issue		
17 CSR 20-2.135	St. Louis Board of Police Commissioners		This Issue		
PUBLIC DEFENDER COMMISSION					
18 CSR 10-2.010	Office of State Public Defender		33 MoReg 333	This Issue	
18 CSR 10-4.010	Office of State Public Defender	33 MoReg 313	33 MoReg 334	This Issue	
DEPARTMENT OF HEALTH AND SENIOR SERVICES					
19 CSR 30-20.125	Division of Regulation and Licensure		33 MoReg 550		
19 CSR 30-82.010	Division of Regulation and Licensure		33 MoReg 790		
19 CSR 30-83.010	Division of Regulation and Licensure		33 MoReg 792		
19 CSR 30-84.020	Division of Regulation and Licensure		33 MoReg 793		
19 CSR 30-84.030	Division of Regulation and Licensure		33 MoReg 798		
19 CSR 30-85.022	Division of Regulation and Licensure		33 MoReg 812		
19 CSR 30-85.032	Division of Regulation and Licensure		33 MoReg 817		
19 CSR 30-86.012	Division of Regulation and Licensure		33 MoReg 819		
19 CSR 30-86.022	Division of Regulation and Licensure		33 MoReg 820		
19 CSR 30-86.032	Division of Regulation and Licensure		33 MoReg 827		
19 CSR 30-86.045	Division of Regulation and Licensure		33 MoReg 829		
19 CSR 30-86.047	Division of Regulation and Licensure		33 MoReg 830		
19 CSR 30-88.010	Division of Regulation and Licensure		33 MoReg 836		
19 CSR 60-50	Missouri Health Facilities Review Committee				This Issue
19 CSR 73-2.015	Missouri Board of Nursing Home Administrators		33 MoReg 334		
19 CSR 73-2.020	Missouri Board of Nursing Home Administrators		33 MoReg 338		
19 CSR 73-2.025	Missouri Board of Nursing Home Administrators		33 MoReg 338		
19 CSR 73-2.031	Missouri Board of Nursing Home Administrators		33 MoReg 339		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
19 CSR 73-2.050	Missouri Board of Nursing Home Administrators		33 MoReg 339		
19 CSR 73-2.051	Missouri Board of Nursing Home Administrators		33 MoReg 341		
19 CSR 73-2.053	Missouri Board of Nursing Home Administrators		33 MoReg 341		
19 CSR 73-2.055	Missouri Board of Nursing Home Administrators		33 MoReg 342		
19 CSR 73-2.060	Missouri Board of Nursing Home Administrators		33 MoReg 342		
19 CSR 73-2.070	Missouri Board of Nursing Home Administrators		33 MoReg 343		
19 CSR 73-2.080	Missouri Board of Nursing Home Administrators		33 MoReg 343		
19 CSR 73-2.085	Missouri Board of Nursing Home Administrators		33 MoReg 344		
19 CSR 73-2.090	Missouri Board of Nursing Home Administrators		33 MoReg 344		
19 CSR 73-2.120	Missouri Board of Nursing Home Administrators		33 MoReg 345		
DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION					
20 CSR	Construction Claims Binding Arbitration Cap				32 MoReg 667 33 MoReg 150
20 CSR	Medical Malpractice				30 MoReg 481 31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019 33 MoReg 150
20 CSR	State Legal Expense Fund Cap				32 MoReg 668 33 MoReg 150
20 CSR 100-1.010	Insurer Conduct		32 MoReg 2381	33 MoReg 1091	
20 CSR 100-1.020	Insurer Conduct		32 MoReg 2382	33 MoReg 1091	
20 CSR 100-1.040	Insurer Conduct		32 MoReg 2382R	33 MoReg 1091R	
20 CSR 100-1.050	Insurer Conduct		32 MoReg 2382	33 MoReg 1092	
20 CSR 100-1.100	Insurer Conduct		32 MoReg 2383	33 MoReg 1092	
20 CSR 100-1.200	Insurer Conduct		32 MoReg 2384	33 MoReg 1092	
20 CSR 100-2.100	Insurer Conduct		32 MoReg 2384	33 MoReg 1092	
20 CSR 100-2.200	Insurer Conduct		32 MoReg 2385	33 MoReg 1093	
20 CSR 100-2.300	Insurer Conduct		32 MoReg 2385R	33 MoReg 1093R	
20 CSR 100-3.100	Insurer Conduct		32 MoReg 2385	33 MoReg 1093	
20 CSR 100-4.010	Insurer Conduct		32 MoReg 2386	33 MoReg 1093	
20 CSR 100-4.020	Insurer Conduct		32 MoReg 2386	33 MoReg 1093	
20 CSR 100-4.030	Insurer Conduct		32 MoReg 2387	33 MoReg 1094	
20 CSR 100-4.100	Insurer Conduct		32 MoReg 2387	33 MoReg 1094	
20 CSR 100-5.010	Insurer Conduct		32 MoReg 2388	33 MoReg 1094	
20 CSR 100-5.020	Insurer Conduct		32 MoReg 2388	33 MoReg 1094	
20 CSR 100-6.100	Insurer Conduct		32 MoReg 2389	33 MoReg 1094	
20 CSR 100-7.002	Insurer Conduct		33 MoReg 915		
20 CSR 100-7.005	Insurer Conduct		33 MoReg 916		
20 CSR 100-7.010	Insurer Conduct		32 MoReg 2390	33 MoReg 1094	
20 CSR 100-8.002	Insurer Conduct		33 MoReg 916		
20 CSR 100-8.005	Insurer Conduct		33 MoReg 917		
20 CSR 100-8.008	Insurer Conduct		33 MoReg 918		
20 CSR 100-8.010	Insurer Conduct		32 MoReg 2390	33 MoReg 1095	
20 CSR 100-8.012	Insurer Conduct		33 MoReg 919		
20 CSR 100-8.014	Insurer Conduct		33 MoReg 919		
20 CSR 100-8.015	Insurer Conduct		33 MoReg 920		
20 CSR 100-8.016	Insurer Conduct		33 MoReg 921		
20 CSR 100-8.017	Insurer Conduct		33 MoReg 921		
20 CSR 100-8.018	Insurer Conduct		33 MoReg 922		
20 CSR 100-8.020	Insurer Conduct		32 MoReg 2390	33 MoReg 1095	
20 CSR 100-8.040	Insurer Conduct		32 MoReg 2391	33 MoReg 1095	
20 CSR 200-6.100	Insurance Solvency and Company Regulation		This Issue		
20 CSR 200-18.010	Insurance Solvency and Company Regulation		33 MoReg 557		
20 CSR 200-18.020	Insurance Solvency and Company Regulation		33 MoReg 557		
20 CSR 200-18.110	Insurance Solvency and Company Regulation		33 MoReg 559		
20 CSR 200-18.120	Insurance Solvency and Company Regulation		33 MoReg 561		
20 CSR 200-19.020	Insurance Solvency and Company Regulation		32 MoReg 2393	33 MoReg 1021	
20 CSR 200-19.050	Insurance Solvency and Company Regulation		32 MoReg 2394	33 MoReg 1021	
20 CSR 200-19.060	Insurance Solvency and Company Regulation		32 MoReg 2396	33 MoReg 1021	
20 CSR 200-20.010	Insurance Solvency and Company Regulation		32 MoReg 2505	33 MoReg 1021	
20 CSR 200-20.020	Insurance Solvency and Company Regulation		32 MoReg 2505	33 MoReg 1022	
20 CSR 200-20.030	Insurance Solvency and Company Regulation		32 MoReg 2505	33 MoReg 1022	
20 CSR 200-20.040	Insurance Solvency and Company Regulation		32 MoReg 2508	33 MoReg 1023	
20 CSR 200-20.050	Insurance Solvency and Company Regulation		32 MoReg 2511	33 MoReg 1023	
20 CSR 200-20.060	Insurance Solvency and Company Regulation		32 MoReg 2511	33 MoReg 1023	
20 CSR 400-2.065	Life, Annuities and Health		32 MoReg 2398	33 MoReg 1096	
20 CSR 400-4.050	Life, Annuities and Health		32 MoReg 2512	33 MoReg 1096	
20 CSR 400-4.100	Life, Annuities and Health		32 MoReg 2513	33 MoReg 1097	
20 CSR 400-4.110	Life, Annuities and Health		32 MoReg 2532	33 MoReg 1098	
20 CSR 400-4.120	Life, Annuities and Health		32 MoReg 2535	33 MoReg 1100	
20 CSR 400-5.305	Life, Annuities and Health		32 MoReg 2537	33 MoReg 1024	
20 CSR 400-5.310	Life, Annuities and Health		32 MoReg 2538	33 MoReg 1024	
20 CSR 400-7.180	Life, Annuities and Health		This Issue		
20 CSR 500-7.020	Property and Casualty	33 MoReg 507	33 MoReg 562		
20 CSR 500-7.030	Property and Casualty	33 MoReg 507	33 MoReg 563		
20 CSR 500-7.050	Property and Casualty	33 MoReg 508	33 MoReg 563		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 500-7.060	Property and Casualty	33 MoReg 509	33 MoReg 566		
20 CSR 500-7.070	Property and Casualty	33 MoReg 510	33 MoReg 566		
20 CSR 500-7.090	Property and Casualty	33 MoReg 510	33 MoReg 567		
20 CSR 500-7.100	Property and Casualty	33 MoReg 511	33 MoReg 567		
20 CSR 500-7.130	Property and Casualty	33 MoReg 514	33 MoReg 570		
20 CSR 500-7.200	Property and Casualty	33 MoReg 515	33 MoReg 571		
20 CSR 700-1.005	Insurance Licensing		33 MoReg 71	This Issue	
20 CSR 700-1.010	Insurance Licensing		33 MoReg 72	This Issue	
20 CSR 700-1.012	Insurance Licensing		33 MoReg 76	This Issue	
20 CSR 700-1.020	Insurance Licensing		33 MoReg 76	This Issue	
20 CSR 700-1.025	Insurance Licensing		33 MoReg 77	This Issue	
20 CSR 700-1.030	Insurance Licensing		33 MoReg 77R	This IssueR	
20 CSR 700-1.040	Insurance Licensing		33 MoReg 77	This Issue	
20 CSR 700-1.100	Insurance Licensing		33 MoReg 78	This Issue	
20 CSR 700-1.110	Insurance Licensing		33 MoReg 80R	This IssueR	
20 CSR 700-1.140	Insurance Licensing		33 MoReg 80	This Issue	
			This Issue		
20 CSR 700-1.145	Insurance Licensing		33 MoReg 82	This Issue	
20 CSR 700-1.146	Insurance Licensing		33 MoReg 82	This Issue	
20 CSR 700-1.147	Insurance Licensing		33 MoReg 85	This Issue	
20 CSR 700-1.148	Insurance Licensing		33 MoReg 88	33 MoReg 1101W	
			33 MoReg 1078		
20 CSR 700-1.152	Insurance Licensing		33 MoReg 91	This Issue	
20 CSR 700-2.005	Insurance Licensing		33 MoReg 93	This Issue	
20 CSR 700-2.100	Insurance Licensing		33 MoReg 93	This Issue	
20 CSR 700-2.300	Insurance Licensing		33 MoReg 94	This Issue	
20 CSR 700-3.200	Insurance Licensing		33 MoReg 94	This Issue	
20 CSR 700-4.100	Insurance Licensing		33 MoReg 96	This Issue	
20 CSR 700-6.100	Insurance Licensing		33 MoReg 96	This Issue	
20 CSR 700-6.150	Insurance Licensing		33 MoReg 97	This Issue	
20 CSR 700-6.160	Insurance Licensing		33 MoReg 97	This Issue	
20 CSR 700-6.170	Insurance Licensing		33 MoReg 98	This Issue	
20 CSR 700-6.200	Insurance Licensing		33 MoReg 98	This Issue	
20 CSR 700-6.250	Insurance Licensing		33 MoReg 99	This Issue	
20 CSR 700-6.300	Insurance Licensing		33 MoReg 99	This Issue	
20 CSR 700-7.100	Insurance Licensing		33 MoReg 99	This Issue	
20 CSR 700-8.005	Insurance Licensing		33 MoReg 575		
20 CSR 700-8.100	Insurance Licensing	33 MoReg 519	33 MoReg 576		
20 CSR 700-8.150	Insurance Licensing	33 MoReg 520	33 MoReg 577		
20 CSR 700-8.160	Insurance Licensing	33 MoReg 521	33 MoReg 577		
20 CSR 1100-1.010	Division of Credit Unions		33 MoReg 1081		
20 CSR 1100-2.012	Division of Credit Unions		33 MoReg 1081		
20 CSR 1100-2.030	Division of Credit Unions		33 MoReg 1082		
20 CSR 1100-2.040	Division of Credit Unions		33 MoReg 1082		
20 CSR 1100-2.060	Division of Credit Unions		33 MoReg 1083		
20 CSR 1100-2.130	Division of Credit Unions		33 MoReg 1083		
20 CSR 1100-2.135	Division of Credit Unions		33 MoReg 1084		
20 CSR 1100-2.205	Division of Credit Unions		33 MoReg 1084		
20 CSR 1100-2.230	Division of Credit Unions		33 MoReg 1085		
20 CSR 2030-4.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 724R 33 MoReg 725		
20 CSR 2030-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 444	33 MoReg 1101	
20 CSR 2030-8.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 730		
20 CSR 2030-10.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 733		
20 CSR 2030-11.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 733		
20 CSR 2030-11.035	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 447	33 MoReg 1101	
20 CSR 2030-21.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		33 MoReg 451	33 MoReg 1102	
20 CSR 2150-1.015	State Board of Registration for the Healing Arts		33 MoReg 219	33 MoReg 1025	
20 CSR 2150-2.010	State Board of Registration for the Healing Arts		33 MoReg 219	33 MoReg 1025	
20 CSR 2150-2.030	State Board of Registration for the Healing Arts		33 MoReg 220	33 MoReg 1025	
20 CSR 2150-2.050	State Board of Registration for the Healing Arts		33 MoReg 220	33 MoReg 1025	
20 CSR 2150-2.063	State Board of Registration for the Healing Arts		33 MoReg 221	33 MoReg 1025	
20 CSR 2150-2.065	State Board of Registration for the Healing Arts		33 MoReg 221	33 MoReg 1026	
20 CSR 2150-2.125	State Board of Registration for the Healing Arts		33 MoReg 222	33 MoReg 1026	
20 CSR 2150-2.153	State Board of Registration for the Healing Arts		33 MoReg 223	33 MoReg 1026	
20 CSR 2150-3.030	State Board of Registration for the Healing Arts		33 MoReg 224	33 MoReg 1026	
20 CSR 2150-3.040	State Board of Registration for the Healing Arts		33 MoReg 224	33 MoReg 1026	
20 CSR 2150-3.050	State Board of Registration for the Healing Arts		33 MoReg 225	33 MoReg 1027	
20 CSR 2150-3.150	State Board of Registration for the Healing Arts		33 MoReg 225	33 MoReg 1027	
20 CSR 2150-3.180	State Board of Registration for the Healing Arts		33 MoReg 225	33 MoReg 1027	
20 CSR 2150-3.201	State Board of Registration for the Healing Arts		33 MoReg 226	33 MoReg 1027	
20 CSR 2150-3.202	State Board of Registration for the Healing Arts		33 MoReg 226	33 MoReg 1027	
20 CSR 2150-4.030	State Board of Registration for the Healing Arts		33 MoReg 227	33 MoReg 932	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
20 CSR 2150-4.040	State Board of Registration for the Healing Arts		33 MoReg 227	33 MoReg 932	
20 CSR 2150-4.054	State Board of Registration for the Healing Arts		33 MoReg 228	33 MoReg 933	
20 CSR 2150-4.060	State Board of Registration for the Healing Arts		33 MoReg 923		
20 CSR 2150-4.080	State Board of Registration for the Healing Arts		33 MoReg 926		
20 CSR 2150-4.110	State Board of Registration for the Healing Arts		33 MoReg 228	33 MoReg 933	
20 CSR 2150-4.201	State Board of Registration for the Healing Arts		33 MoReg 229	33 MoReg 933	
20 CSR 2150-5.100	State Board of Registration for the Healing Arts		33 MoReg 229	33 MoReg 1028	
20 CSR 2150-6.050	State Board of Registration for the Healing Arts		33 MoReg 230	33 MoReg 933	
20 CSR 2150-6.062	State Board of Registration for the Healing Arts		33 MoReg 230	33 MoReg 933	
20 CSR 2150-6.066	State Board of Registration for the Healing Arts		33 MoReg 235	33 MoReg 934	
20 CSR 2150-7.122	State Board of Registration for the Healing Arts		33 MoReg 239	33 MoReg 1028	
20 CSR 2150-7.137	State Board of Registration for the Healing Arts		This Issue		
20 CSR 2150-7.300	State Board of Registration for the Healing Arts		33 MoReg 239	33 MoReg 1028	
20 CSR 2150-7.310	State Board of Registration for the Healing Arts		33 MoReg 240	33 MoReg 1028	
20 CSR 2150-9.030	State Board of Registration for the Healing Arts		33 MoReg 240	33 MoReg 1028	
20 CSR 2150-9.060	State Board of Registration for the Healing Arts		33 MoReg 240	33 MoReg 1028	
20 CSR 2150-9.070	State Board of Registration for the Healing Arts		33 MoReg 241	33 MoReg 1029	
20 CSR 2150-9.090	State Board of Registration for the Healing Arts		33 MoReg 241	33 MoReg 1029	
20 CSR 2200-4.010	State Board of Nursing		33 MoReg 736		
20 CSR 2200-4.020	State Board of Nursing		33 MoReg 739		
20 CSR 2200-4.025	State Board of Nursing		33 MoReg 644		
20 CSR 2200-4.026	State Board of Nursing		33 MoReg 645		
20 CSR 2200-4.027	State Board of Nursing		33 MoReg 649		
20 CSR 2200-4.028	State Board of Nursing		33 MoReg 650		
20 CSR 2200-4.029	State Board of Nursing		33 MoReg 650		
20 CSR 2210-1.010	State Board of Optometry		33 MoReg 242	33 MoReg 934	
20 CSR 2210-1.020	State Board of Optometry		33 MoReg 242	33 MoReg 934	
20 CSR 2210-2.010	State Board of Optometry		33 MoReg 242	33 MoReg 934	
20 CSR 2210-2.011	State Board of Optometry		This Issue		
20 CSR 2210-2.020	State Board of Optometry		33 MoReg 243	33 MoReg 934	
20 CSR 2210-2.030	State Board of Optometry		33 MoReg 243	33 MoReg 934	
20 CSR 2210-2.040	State Board of Optometry		33 MoReg 247	33 MoReg 935	
20 CSR 2210-2.050	State Board of Optometry		33 MoReg 247	33 MoReg 935	
20 CSR 2210-2.060	State Board of Optometry		33 MoReg 247	33 MoReg 935	
20 CSR 2210-2.070	State Board of Optometry		33 MoReg 248	33 MoReg 935	
20 CSR 2210-2.080	State Board of Optometry		33 MoReg 1085		
20 CSR 2220-2.010	State Board of Pharmacy		33 MoReg 651		
20 CSR 2220-2.030	State Board of Pharmacy		33 MoReg 655		
20 CSR 2220-2.036	State Board of Pharmacy		33 MoReg 658		
20 CSR 2220-2.120	State Board of Pharmacy		33 MoReg 658		
20 CSR 2220-2.200	State Board of Pharmacy		33 MoReg 659		
20 CSR 2220-2.450	State Board of Pharmacy		33 MoReg 667		
20 CSR 2220-3.040	State Board of Pharmacy		33 MoReg 671		
20 CSR 2220-4.010	State Board of Pharmacy		33 MoReg 671		
20 CSR 2220-5.030	State Board of Pharmacy		33 MoReg 677		
20 CSR 2220-5.070	State Board of Pharmacy		33 MoReg 677		
20 CSR 2220-6.040	State Board of Pharmacy	33 MoReg 1069	33 MoReg 1086		
20 CSR 2231-1.010	Division of Professional Registration		33 MoReg 251R	33 MoReg 935R	
			33 MoReg 251	33 MoReg 936	
20 CSR 2231-2.010	Division of Professional Registration		33 MoReg 252	33 MoReg 936	
20 CSR 2232-3.010	Missouri State Committee of Interpreters		33 MoReg 253	33 MoReg 936	
20 CSR 2232-3.030	Missouri State Committee of Interpreters		33 MoReg 255	33 MoReg 936	
20 CSR 2245-3.010	Real Estate Appraisers		33 MoReg 927		
20 CSR 2245-6.040	Real Estate Appraisers		33 MoReg 927		
20 CSR 2245-8.010	Real Estate Appraisers		33 MoReg 928		
20 CSR 2245-8.030	Real Estate Appraisers		33 MoReg 928		
20 CSR 2267-2.010	Office of Tattooing, Body Piercing and Branding		33 MoReg 985		
20 CSR 2267-2.020	Office of Tattooing, Body Piercing and Branding		This IssueR		
			This Issue		
20 CSR 2270-4.031	Missouri Veterinary Medical Board		33 MoReg 929		
20 CSR 2270-4.041	Missouri Veterinary Medical Board		33 MoReg 929		
MISSOURI CONSOLIDATED HEALTH CARE PLAN					
22 CSR 10-2.010	Health Care Plan	33 MoReg 314	33 MoReg 345	33 MoReg 1029	
22 CSR 10-2.020	Health Care Plan	33 MoReg 314	33 MoReg 346	33 MoReg 1029	
22 CSR 10-3.010	Health Care Plan	33 MoReg 315	33 MoReg 346	33 MoReg 1029	
22 CSR 10-3.020	Health Care Plan	33 MoReg 315	33 MoReg 347	33 MoReg 1030	

Emergency Rule Table

Agency	Publication	Effective	Expiration
Department of Agriculture			
Weights and Measures			
2 CSR 90-30.040	Quality Standards for Motor Fuels . . . . .	.33 MoReg 399	Jan. 14, 2008 July 11, 2008
Office of the Director			
2 CSR 110-3.010	Description of General Organization; Definitions; Requirements and Exemptions; Enforcement Provisions . . .	.33 MoReg 311	Jan. 1, 2008 June 28, 2008
Department of Elementary and Secondary Education			
Missouri Commission for the Deaf and Hard of Hearing			
5 CSR 100-200.170	Skill Level Standards . . . . .	.33 MoReg 312	Jan. 1, 2008 June 28, 2008
Department of Public Safety			
Division of Fire Safety			
11 CSR 40-7.010	Blasting-Licensing, Registration, Notification, Requirements, and Penalties . . . . .	.33 Moreg 967	July 1, 2008 Jan. 1, 2009
Department of Revenue			
Director of Revenue			
12 CSR 10-41.010	Annual Adjusted Rate of Income . . . . .	.32 MoReg 2327	Jan. 1, 2008 June 28, 2008
Public Defender Commission			
Office of State Public Defender			
18 CSR 10-4.010	Rule for the Acceptance of Cases and Payment of Private Counsel Litigation Costs . . . . .	.33 MoReg 313	Dec. 28, 2007 June 30, 2008
Department of Insurance, Financial Institutions and Professional Registration			
Property and Casualty			
20 CSR 500-7.020	Scope and Definitions . . . . .	.33 MoReg 507	Jan. 28, 2008 July 25, 2008
20 CSR 500-7.030	General Instructions . . . . .	.33 MoReg 507	Jan. 28, 2008 July 25, 2008
20 CSR 500-7.050	Disclosure of Premiums and Charges . . . . .	.33 MoReg 508	Jan. 28, 2008 July 25, 2008
20 CSR 500-7.060	Disclosure of Coverage Limitation . . . . .	.33 MoReg 509	Jan. 28, 2008 July 25, 2008
20 CSR 500-7.070	Affiliated Business Arrangements . . . . .	.33 MoReg 510	Jan. 28, 2008 July 25, 2008
20 CSR 500-7.090	Special Circumstances for Policy Delay . . . . .	.33 MoReg 510	Jan. 28, 2008 July 25, 2008
20 CSR 500-7.100	Rate Schedules . . . . .	.33 MoReg 511	Jan. 28, 2008 July 25, 2008
20 CSR 500-7.130	Insurance and Closing Protection Form Filings . . . . .	.33 MoReg 514	Jan. 28, 2008 July 25, 2008
20 CSR 500-7.200	Standards For Policy Issuance . . . . .	.33 MoReg 515	Jan. 28, 2008 July 25, 2008
Insurance Licensing			
20 CSR 700-8.100	Applications for License . . . . .	.33 MoReg 519	Jan. 28, 2008 July 25, 2008
20 CSR 700-8.150	Examination Requirements . . . . .	.33 MoReg 520	Jan. 28, 2008 July 25, 2008
20 CSR 700-8.160	Continuing Education . . . . .	.33 MoReg 521	Jan. 28, 2008 July 25, 2008
State Board of Pharmacy			
20 CSR 2220-6.040	Administration by Medical Prescription Order . . . . .	.33 MoReg 1069	May 11, 2008 Feb. 18, 2009
Missouri Consolidated Health Care Plan			
Health Care Plan			
22 CSR 10-2.010	Definitions . . . . .	.33 MoReg 314	Jan. 1, 2008 June 28, 2008
22 CSR 10-2.020	Subscriber Agreement and General Membership Provisions .	.33 MoReg 314	Jan. 1, 2008 June 28, 2008
22 CSR 10-3.010	Definitions . . . . .	.33 MoReg 315	Jan. 1, 2008 June 28, 2008
22 CSR 10-3.020	Subscriber Agreement and General Membership Provisions .	.33 MoReg 315	Jan. 1, 2008 June 28, 2008

**Executive
Orders****Subject Matter****Filed Date****Publication****2008**

08-01	Establishes the post of Missouri Poet Laureate	January 8, 2008	33 MoReg 401
08-02	Activates the Missouri State Emergency Operations Plan in the aftermath of severe weather that began on January 7, 2008	January 11, 2008	33 MoReg 403
08-03	Activates the state militia in response to the aftermath of severe storms that began on January 7, 2008	January 11, 2008	33 MoReg 405
08-04	Transfers authority of the sexual assault evidentiary kit and exam payment program from the Department of Health and Senior Services to Department of Public Safety by Type 1 transfer	February 6, 2008	33 MoReg 619
08-05	Extends Executive Orders, 07-34, 07-36 and 07-39 through March 15, 2008 for the purpose of continuing the cleanup efforts in affected communities	February 11, 2008	33 MoReg 621
08-06	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	February 12, 2008	33 MoReg 623
08-07	Declares that a state of emergency exists in the state of Missouri.	February 12, 2008	33 MoReg 625
08-08	Gives Department of Natural Resources authority to suspend regulations in the aftermath of severe weather that began on February 10, 2008	February 20, 2008	33 MoReg 715
08-09	Establishes the Missouri Civil War Sesquicentennial Commission	March 6, 2008	33 MoReg 783
08-10	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	March 18, 2008	33 MoReg 895
08-11	Calls organized militia into active service	March 18, 2008	33 MoReg 897
08-12	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	March 21, 2008	33 MoReg 899
08-13	Expands the number of state employees allowed to participate in the Missouri Mentor Initiative	March 27, 2008	33 MoReg 901
08-14	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	April 1, 2008	33 MoReg 903
08-15	Calls organized militia into active service	April 1, 2008	33 MoReg 905
08-17	Extends the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15	April 29, 2008	33 MoReg 1071
08-18	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	May 13, 2008	This Issue

2007

07-01	Authorizes Transportation Director to temporarily suspend certain commercial motor vehicle regulations in response to emergencies	January 2, 2007	32 MoReg 295
07-02	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	January 13, 2007	32 MoReg 298
07-03	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	January 13, 2007	32 MoReg 299
07-04	Vests the Director of the Missouri Department of Natural Resources with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to better serve the interest of public health and safety during the period of the emergency and subsequent recovery period	January 13, 2007	32 MoReg 301
07-05	Transfers the Breath Alcohol Program from the Missouri Department of Health and Senior Services to the Missouri Department of Transportation	January 30, 2007	32 MoReg 406
07-06	Transfers the function of collecting surplus lines taxes from the Missouri Department of Insurance, Financial Institutions and Professional Registration to the Department of Revenue	January 30, 2007	32 MoReg 408
07-07	Transfers the Crime Victims' Compensation Fund from the Missouri Department of Labor and Industrial Relations to the Missouri Department of Public Safety	January 30, 2007	32 MoReg 410
07-08	Extends the declaration of emergency contained in Executive Order 07-02 and the terms of Executive Order 07-04 through May 15, 2007, for continuing cleanup efforts from a severe storm that began on January 12	February 6, 2007	32 MoReg 524
07-09	Orders the Commissioner of Administration to take certain specific cost saving actions with the OA Vehicle Fleet	February 23, 2007	32 MoReg 571

**Executive
Orders**

	Subject Matter	Filed Date	Publication
07-10	Reorganizes the Governor's Advisory Council on Physical Fitness and Health and relocates it to the Department of Health and Senior Services	February 23, 2007	32 MoReg 573
07-11	Designates members of staff with supervisory authority over selected state agencies	February 23, 2007	32 MoReg 576
07-12	Orders agencies to support measures that promote transparency in health care	March 2, 2007	32 MoReg 625
07-13	Orders agencies to audit contractors to ensure that they employ people who are eligible to work in the United States, and requires future contracts to contain language allowing the state to cancel the contract if the contractor has knowingly employed individuals who are not eligible to work in the United States	March 6, 2007	32 MoReg 627
07-14	Creates and establishes the Missouri Mentor Initiative, under which up to 200 full-time employees of the state of Missouri are eligible for one hour per week of paid approved work to mentor in Missouri public primary and secondary schools up to 40 hours annually	April 11, 2007	32 MoReg 757
07-15	Gov. Matt Blunt increases the membership of the Mental Health Transformation Working Group from eighteen to twenty-four members	April 23, 2007	32 MoReg 839
07-16	Creates and establishes the Governor's "Crime Laboratory Review Commission" within the Department of Public Safety	June 7, 2007	32 MoReg 1090
07-17	Gov. Matt Blunt activates portions of the Missouri National Guard in response to severe storms and potential flooding	May 7, 2007	32 MoReg 963
07-18	Gov. Matt Blunt declares a State of Emergency and directs the Missouri State Emergency Operations Plan be activated in response to severe storms that began May 5	May 7, 2007	32 MoReg 965
07-19	Gov. Matt Blunt authorizes the departments and agencies of the Executive Branch of Missouri state government to adopt a program by which employees may donate a portion of their annual leave benefits to other employees who have experienced personal loss due to the 2007 flood or who have volunteered in a flood relief	May 7, 2007	32 MoReg 967
07-20	Gov. Matt Blunt gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of a flood emergency	May 7, 2007	32 MoReg 969
07-21	Orders agencies to evaluate the performance of all employees pursuant to the procedures of the Division of Personnel within the Office of Administration and that those evaluations be recorded in the Productivity, Excellence and Results for Missouri (PERforM) State Employee Online Appraisal System	July 11, 2007	32 MoReg 1389
07-22	Declares a State of Emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on June 4, 2007	July 3, 2007	32 MoReg 1391
07-23	Activates the state militia in response to the aftermath of severe storms that began on June 4, 2007	July 3, 2007	32 MoReg 1393
07-24	Orders the Commissioner of Administration to establish the Missouri Accountability Portal as a free Internet-based tool allowing citizens to view the financial transactions related to the purchase of goods and services and the distribution of funds for state programs	July 11, 2007	32 MoReg 1394
07-25	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operations Plan be activated	August 24, 2007	32 MoReg 1902
07-26	Creates a Director/Administrator level multi-agency task force to address the concerns associated with feral hogs	August 30, 2007	32 MoReg 1904
07-27	Declares a drought alert for the counties of Bolinger, Butler, Cape Girardeau, Carter, Dunklin, Franklin, Iron, Jefferson, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Scott, Stoddard, Washington, and Wayne	September 7, 2007	32 MoReg 2035
07-28	The Executive Order denoted 05-16 is hereby rescinded	September 10, 2007	32 MoReg 2037
07-29	Amends the membership and the duties of the Governor's Advisory Council on Aging	September 17, 2007	32 MoReg 2038
07-30	Lists members of staff having supervisory authority over departments, divisions or agencies	September 13, 2007	32 MoReg 2041
07-31	Creates the Rural High-Speed Internet Access Task Force to deal with the lack of high-speed Internet access in rural Missouri communities	October 10, 2007	32 MoReg 2217
07-32	Declares that state offices will be closed on Friday, November 23, 2007	October 23, 2007	32 MoReg 2339
07-33	Declares that state offices will be closed on Monday December 24, 2007	December 4, 2007	33 MoReg 185
07-34	Declares a state of emergency and directs the Missouri State Emergency Operations Plan to be activated due to severe weather that began on December 8, 2007	December 9, 2007	33 MoReg 186
07-35	Activates the state militia in response to the aftermath of severe storms that began on December 8, 2007	December 9, 2007	33 MoReg 188

Executive Orders	Subject Matter	Filed Date	Publication
07-36	Gives the director of the Department of Natural Resources the authority to suspend regulations in the aftermath of severe weather that began on December 8, 2007	December 10, 2007	33 MoReg 190
Emergency Declaration	Declares an emergency concerning damage to and danger of the Jefferson Street Overpass, also known as State Bridge No. A1308, in Jefferson City and directs the Emergency Declaration to continue until the overpass has been removed and replaced	December 10, 2007	33 MoReg 192
07-37	Designates members of staff with supervisory authority over selected state agencies	December 26, 2007	33 MoReg 317
07-38	Extends Executive Order 07-01 through January 1, 2009	December 29, 2007	33 MoReg 319
07-39	Extends Executive Orders 07-34 and 07-36 through February 15, 2008	December 28, 2007	33 MoReg 321

The rule number and the MoReg publication date follow each entry to this index.

ADMINISTRATION, OFFICE OF

capitol improvement and maintenance budget
assessment program planning; 1 CSR 30-2.030; 12/17/07, 5/15/08
budget form completion and submission; 1 CSR 30-2.050; 12/17/07, 5/15/08
budget preparation; 1 CSR 30-2.040; 12/17/07, 5/15/08
definitions; 1 CSR 30-2.020; 12/17/07, 5/15/08
facility program planning; 1 CSR 30-2.030; 12/17/07, 5/15/08
rule objectives; 1 CSR 30-2.010; 12/17/07, 5/15/08
facilities management, design and construction
capitol improvement and maintenance program
determination of contractor responsibility; 1 CSR 30-3.060; 12/17/07, 5/15/08
method of management/construction procurement; 1 CSR 30-3.025; 12/17/07, 5/15/08
project contracts and work completion; 1 CSR 30-3.040; 12/17/07, 5/15/08
project definition and fund allocation; 1 CSR 30-3.020; 12/17/07, 5/15/08
project design; 1 CSR 30-3.030; 12/17/07, 5/15/08
project payments, acceptance and occupancy; 1 CSR 30-3.050; 12/17/07, 5/15/08
rule objectives and definitions; 1 CSR 30-3.010; 12/17/07, 5/15/08
selection; 1 CSR 30-3.035; 12/17/07, 5/15/08
facility maintenance and operation
facility management; 1 CSR 30-4.020; 12/17/07, 5/15/08
facility safety; 1 CSR 30-4.040; 12/17/07, 5/15/08
maintenance program standards and procedures; 1 CSR 30-4.030; 12/17/07, 5/15/08
objectives and definitions; 1 CSR 30-4.010; 12/17/07, 5/15/08
minority/women business enterprises
participation in state construction contracts; 1 CSR 30-5.010; 12/17/07, 5/15/08
requirements for direct deposit of vendor payments; 1 CSR 10-9.010; 2/15/08, 6/2/08
travel regulations
county, mileage allowance; 1 CSR 10-11.020; 1/2/08, 5/15/08
state; 1 CSR 10-11.010; 1/2/08, 5/15/08
state vehicular; 1 CSR 10-11.030; 1/2/08, 6/2/08

AGRICULTURE

animal health
requirements of exhibition; 2 CSR 30-2.040; 4/1/08
plant industries
sale or distribution of wood products similar in appearance to treated timber-identification-penalties; 2 CSR 70-040.055; 3/17/08
treated timber
branding; 2 CSR 70-40.040; 3/17/08
preservatives required to be registered pesticides; 2 CSR 70-40.017; 3/17/08
standards for
inspection, sampling, and analyses; 2 CSR 70-40.025; 3/17/08
treated timber; 2 CSR 70-40.015; 3/17/08
propane gas commission, Missouri
budget 2008; 2 CSR 90-10; 6/16/08
budget 2009; 2 CSR 90-10; 6/16/08

AIR QUALITY, AIR POLLUTION CONTROL

definitions and common reference tables; 10 CSR 10-6.020; 3/17/08

emissions

restriction of emission of visible air contaminants; 10 CSR 10-6.220; 3/17/08
standards for hazardous air pollutants; 10 CSR 10-6.080; 5/1/08
maximum achievable control technology regulations; 10 CSR 10-6.075; 5/1/08
new source performance regulations; 10 CSR 10-6.070; 5/1/08
time schedule for compliance
Kansas City Metropolitan Area; 10 CSR 10-2.150; 6/2/08
Springfield-Greene County; 10 CSR 10-4.140; 6/2/08
St. Louis Metropolitan Area; 10 CSR 10-5.250; 6/2/08

ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, AND LANDSCAPE ARCHITECTS

application, renewal, reinstatement, relicensure, and miscellaneous fees; 20 CSR 2030-6.015; 2/15/08, 6/2/08
application for certificate of authority; 20 CSR 2030-10.010; 4/1/08
criteria to file application under 327.391 and 327.392, RSMo; 20 CSR 2030-4.050; 4/1/08
engineers
continuing professional competency; 20 CSR 2030-11.015; 4/1/08
record and specialty engineers; 20 CSR 2030-21.020; 2/15/08, 6/2/08
land surveying
professional development units; 20 CSR 2030-8.020; 4/1/08
landscape architects
continuing education; 20 CSR 2030-11.035; 2/15/08, 6/2/08

ASSISTIVE TECHNOLOGY ADVISORY COUNCIL

assistive technology loan program; 1 CSR 70-1.020 (*changed to 5 CSR 110-1.020*); 1/16/08, 6/2/08
telecommunications access program; 1 CSR 70-1.010 (*changed to 5 CSR 110-1.010*); 1/16/08, 6/2/08

BIODIESEL PRODUCER INCENTIVE PROGRAM

Missouri qualified; 2 CSR 110-2.010; 10/1/07

CERTIFICATE OF NEED PROGRAM

application review schedule; 19 CSR 60-50; 4/1/08, 4/15/08, 5/1/08, 6/16/08

CHILD SUPPORT ENFORCEMENT

interstate income withholding procedure; 13 CSR 30-4.010; 6/2/08

CLEAN WATER COMMISSION

concentrated animal feeding operations; 10 CSR 20-6.300; 6/16/08
construction and operating permits; 10 CSR 20-6.010; 6/16/08
construction grant priority system; 10 CSR 20-4.010; 1/16/08
water quality standards; 10 CSR 20-7.031; 1/16/08

CONSERVATION COMMISSION

closed hours; 3 CSR 10-12.109; 6/2/08
deer
antlerless deep hunting permit availability; 3 CSR 10-7.437; 6/2/08
archery hunting season; 3 CSR 10-7.432; 6/2/08
firearm hunting seasons; 3 CSR 10-7.433; 6/2/08
special harvest provisions; 3 CSR 10-7.435; 6/2/08
fishing
daily and possession limits; 3 CSR 10-12.140; 6/2/08
methods; 3 CSR 10-12.135; 6/2/08
organization and methods of operations; 3 CSR 10-1.010; 6/2/08
permits
required; exceptions; 3 CSR 10-5.205; 5/1/08
resident and nonresident; 3 CSR 10-5.220; 5/1/08

CREDIT UNIONS, DIVISION OF

general organization; 20 CSR 1100-1.010; 6/2/08
 state-chartered
 accuracy of advertising and use of credit union name; 20 CSR 1100-2.012; 6/2/08
 credit union investments
 other; 20 CSR 1100-2.135; 6/2/08
 United States government securities and obligations; 20 CSR 1100-2.130; 6/2/08
 delinquent loan and extension agreements reporting procedure; 20 CSR 1100-2.060; 6/2/08
 deposit and securing of public funds; 20 CSR 1100-2.205; 6/2/08
 loans; 20 CSR 1100-2.040
 security program, report of crime and catastrophic act and bank secrecy act compliance; federal insurance requirements; 20 CSR 1100-2.230; 6/2/08
 surety bond requirement; 20 CSR 1100-2.030; 6/2/08

DEAF AND HARD OF HEARING, COMMISSION FOR THE
interpreters

skill level standards; 5 CSR 100-200.170; 2/1/08, 5/15/08

DEALER LICENSURE

bona fide established place of business; 12 CSR 10-26.010; 6/16/08
 dealer seminar certification requirements; 12 CSR 10-26.210; 6/16/08
 fees; 12 CSR 10-26.040; 6/16/08

DISEASES

communicable diseases
 duties of laboratories; 19 CSR 20-20.080; 12/17/07, 4/15/08
 reporting; 19 CSR 20-20.020; 12/17/07, 4/15/08

ELEMENTARY AND SECONDARY EDUCATION

adult education
 administration of high school equivalence program; 5 CSR 60-100.020; 1/2/08, 5/1/08
 career education
 state plan for career education; 5 CSR 60-120.010; 6/16/08
 educator certification
 application for an adult education and literacy certificate of license to teach; 5 CSR 80-800.280; 3/3/08
 application for a career education certificate of license to teach; 5 CSR 80-800.270; 3/3/08
 application for certificate of license to teach; 5 CSR 80-800.200; 3/3/08
 for administrators; 5 CSR 80-800.220; 3/3/08
 application for a student services certificate of license to teach; 5 CSR 80-800.230; 3/3/08
 certificate of license to teach classifications; 5 CSR 80-800.360; 3/3/08
 certificate of license to teach content areas; 5 CSR 80-800.350; 3/3/08
 certificate of license to teach on the basis of certification by the American Board for Certification of Teacher Excellence (ABCTE); 5 CSR 80-800.285; 5/15/08
 required assessments for professional education certification in Missouri; 5 CSR 80-800.380; 3/3/08
 temporary authorization certificate of license to teach; 5 CSR 80-800.260; 3/3/08
 general provisions governing programs authorized by the Early Childhood Development Act; 5 CSR 270.010; 2/15/08
 policies and standards
 summer school programs; 5 CSR 50-340.010; 2/15/08
 professional development
 mentoring program standards; 5 CSR 80-850.045; 3/3/08
 scholarships and financial aid
 urban flight and rural needs scholarship program; 5 CSR 80-860.050; 3/3/08
 school improvement
 state reimbursed remedial reading; 5 CSR 50-320.010; 1/2/08, 5/1/08
 teacher quality and urban education
 administrator assessment center; 5 CSR 80-631.010; 6/2/08

EMBALMERS AND FUNERAL DIRECTORS, STATE BOARD OF

general rules
 funeral directing; 20 CSR 2120-2.060; 12/17/07, 4/1/08
 funeral establishments; 20 CSR 2120-2.070; 12/17/07, 4/1/08

ENERGY, DIVISION OF

energy set aside program; 10 CSR 140-2; 6/2/08, 6/16/08

EXECUTIVE ORDERS

authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency; 08-12; 5/1/08
 calls organized militia into active service
 08-11; 5/1/08
 08-15; 5/1/08
 declares a state of emergency exists in the state of Missouri
 08-10; 5/1/08
 08-14; 5/1/08
 establishes the Missouri Civil War Sesquicentennial Commission; 08-09; 4/15/08
 expands the number of state employees allowed to participate in the Missouri Mentor Initiative; 08-13; 5/1/08
 extends declaration of emergency in Executive Order 08-14 and the terms of Executive Order 08-15; 08-17; 6/2/08
 gives Department of Natural Resources authority to suspend regulations in aftermath of severe weather; 08-08; 4/1/08; 08-18; 6/16/08

FIRE SAFETY, DIVISION OF

blasting; 11 CSR 45-7.010; 5/15/08

FUEL STANDARD, MISSOURI RENEWABLE

organization, definitions; 2 CSR 110-3.010; 2/1/08
 quality standards; 2 CSR 90-30.040; 2/15/08

GAMING COMMISSION

licenses
 application Class A or Class B; 11 CSR 45-4.030; 1/2/08, 4/15/08
 period and fees; 11 CSR 45-4.050; 1/2/08, 6/16/08;
 11 CSR 45-4.055 (*filed as 11 CSR 45-4.050, 1/2/08*); 4/15/08
 city or county input; 11 CSR 45-4.040; 1/2/08, 4/15/08
 competitiveness standards; 11 CSR 45-4.070; 1/2/08, 4/15/08
 criteria; 11 CSR 45-4.080; 1/2/08, 4/15/08
 expiration of temporary; 11 CSR 45-4.085; 1/2/08, 4/15/08
 occupational; 11 CSR 45-4.260; 1/2/08, 4/15/08; 11 CSR 45-4.420; 1/2/08, 4/15/08
 application and fees; 11 CSR 45-4.380; 1/2/08, 4/15/08
 identification badge; 11 CSR 45-4.410; 1/2/08, 4/15/08
 levels; 11 CSR 45-4.400; 1/2/08, 4/15/08
 renewal; 11 CSR 45-4.390; 1/2/08, 4/15/08
 renewal; 11 CSR 45-4.190; 1/2/08, 4/15/08
 restrictions; 11 CSR 45-4.020; 1/2/08, 4/15/08
 supplier's; 11 CSR 45-4.200; 1/2/08, 4/15/08
 affiliate; 11 CSR 45-4.205; 1/2/08, 4/15/08
 application and fees; 11 CSR 45-4.240; 1/2/08, 4/15/08
 criteria; 11 CSR 45-4.230; 1/2/08, 4/15/08
 renewal; 11 CSR 45-4.250; 1/2/08, 4/15/08
 temporary; 11 CSR 45-4.210; 1/2/08, 4/15/08
 types; 11 CSR 45-4.010; 1/2/08, 4/15/08
 licensee's responsibilities
 child care facilities; 11 CSR 45-10.150; 1/2/08, 4/15/08
 distributions; 11 CSR 45-10.060; 1/2/08, 4/15/08
 duty to disclose changes in information; 11 CSR 45-10.020; 1/2/08, 4/15/08
 duty to report occupational personnel; 11 CSR 45-10.110; 1/2/08, 4/15/08
 fair market value of contracts; 11 CSR 45-10.080; 1/2/08, 4/15/08
 list of barred persons; 11 CSR 45-10.115; 1/2/08, 4/15/08
 owner's and supplier's duty to investigate job applicants; 11 CSR 45-10.090; 1/2/08, 4/15/08

prohibition and reporting of certain transactions; 11 CSR 45-10.040; 1/2/08, 4/15/08
relocation of gaming boats; 11 CSR 45-10.051; 1/2/08, 4/15/08
report and prevent misconduct; 11 CSR 45-10.030; 1/2/08, 4/15/08
transactions involving slot machines; 11 CSR 45-10.055; 1/2/08, 4/15/08

GEOLOGIST REGISTRATION, MISSOURI BOARD OF

code of professional conduct

obligation to the employer or client; 20 CSR 2145-4.030; 12/17/07, 4/1/08

complaint handling

complaint handling and disposition procedure; 20 CSR 2145-3.010; 12/17/07, 4/1/08

general rules

application for licensure; 20 CSR 2145-1.030; 12/17/07, 4/1/08

policy for handling release of public records; 20 CSR 2145-1.020; 12/17/07, 4/1/08

licensure requirements

application for licensure; 20 CSR 2145-2.051; 12/17/07, 4/1/08

complaints, appeals, and challenges of examination; 20 CSR 2145-2.055; 12/17/07, 4/1/08

educational requirements; 20 CSR 2145-2.020; 12/17/07, 4/1/08

examination; 20 CSR 2145-2.040; 12/17/07, 4/1/08

geologist-registrant in-training; 20 CSR 2145-2.070; 12/17/07, 4/1/08

grandfather requirements; 20 CSR 2145-2.010; 12/17/07, 4/1/08

licensure by reciprocity; 20 CSR 2145-2.060; 12/17/07, 4/1/08

name and address changes; 20 CSR 2145-2.090; 12/17/07, 4/1/08

post-baccalaureate experience in geology; 20 CSR 2145-2.030; 12/17/07, 4/1/08

reexamination; 20 CSR 2145-2.050; 12/17/07, 4/1/08

registered geologist's seal; 20 CSR 2145-2.100; 12/17/07, 4/1/08

renewal of license; 20 CSR 2145-2.080; 12/17/07, 4/1/08

HEALING ARTS, STATE BOARD OF

athletic trainers

fees; 20 CSR 2150-6.050; 1/16/08, 5/1/08

late registration and reinstatement; 20 CSR 2150-6.062; 1/16/08, 5/1/08

reinstatement of an inactive license; 20 CSR 2150-6.066; 1/16/08, 5/1/08

general rules

administration of influenza vaccines; 20 CSR 2150-5.025; 12/3/07, 4/15/08

collaborative practice; 20 CSR 2150-5.100; 1/16/08, 5/15/08

public records; 20 CSR 2150-1.015; 1/16/08, 5/15/08

physical therapists and physical therapist assistants

continuing education extensions; 20 CSR 2150-3.202; 1/16/08, 5/15/08

continuing education requirements; 20 CSR 2150-3.201; 1/16/08, 5/15/08

examination; 20 CSR 2150-3.030; 1/16/08, 5/15/08

licensing by reciprocity; 20 CSR 2150-3.040; 1/16/08, 5/15/08

physical therapist assistant registration; 20 CSR 2150-3.180; 1/16/08, 5/15/08

temporary licenses; 20 CSR 2150-3.050; 1/16/08, 5/15/08
assistant temporary licensure; 20 CSR 2150-3.150; 1/16/08, 5/15/08

physician assistant

applicants for licensure; 20 CSR 2150-9.030; 1/16/08, 5/15/08

applicants for temporary licensure; 20 CSR 2150-7.300; 1/16/08, 5/15/08

renewal; 20 CSR 2150-7.310; 1/16/08, 5/15/08

continuing education; 20 CSR 2150-9.070; 1/16/08, 5/15/08

grounds for discipline; 20 CSR 2150-7.140; 12/3/07, 4/15/08

late registration; 20 CSR 2150-9.090; 1/16/08, 5/15/08

license renewal; 20 CSR 2150-9.060; 1/16/08, 5/15/08

request for waiver; 20 CSR 2150-7.136; 12/3/07, 4/15/08

supervision; 20 CSR 2150-7.135; 12/3/07, 4/15/08; 20 CSR 2150-7.122; 1/16/08, 5/15/08

waiver renewal; 20 CSR 2150-7.137; 12/3/07, 4/15/08, 6/16/08

physicians and surgeons

annual registration penalty; 20 CSR 2150-2.050; 1/16/08, 5/15/08

applicants for licensing by examination; 20 CSR 2150-2.010; 1/16/08, 5/15/08

continuing medical education; 20 CSR 2150-2.125; 1/16/08, 5/15/08

licensing by reciprocity; 20 CSR 2150-2.030; 1/16/08, 5/15/08

provisional temporary licensure; 20 CSR 2150-2.063; 1/16/08, 5/15/08

reinstatement of an inactive license; 20 CSR 2150-2.153; 1/16/08, 5/15/08

temporary licenses to teach or lecture in certain programs; 20 CSR 2150-2.065; 1/16/08, 5/15/08

speech language pathologists and audiologists

continuing education extensions; 20 CSR 2150-4.054; 1/16/08, 5/1/08

ethical standards; 20 CSR 2150-4.080; 5/1/08

fees; 20 CSR 2150-4.060; 5/1/08

internationally trained applicants; 20 CSR 2150-4.040; 1/16/08, 5/1/08

reexamination; 20 CSR 2150-4.030; 1/16/08, 5/1/08

supervision requirements; 20 CSR 2150-4.110; 1/16/08, 5/1/08; 20 CSR 2150-4.201; 1/16/08, 5/1/08

HEALTH AND SENIOR SERVICES, DEPARTMENT OF

formula distribution

application process; 19 CSR 40-7.060; 10/15/07, 12/3/07, 4/1/08

definitions; 19 CSR 40-7.040; 10/15/07, 12/3/07, 4/1/08
program eligibility; 19 CSR 40-7.050; 10/15/07, 12/3/07, 4/1/08

payments for sexual assault forensic exams; 19 CSR 40-10.010; 10/15/07, 12/3/07, 4/15/08

regulation and licensure

definition of terms; 19 CSR 30-83.010; 4/15/08

general licensure requirements; 19 CSR 30-82.010; 4/15/08

intermediate care and skilled nursing facility

fire safety standards; 19 CSR 30-85.022; 4/15/08

physical plant requirements; 19 CSR 30-85.032; 4/15/08

resident rights; 19 CSR 30-88.010; 4/15/08

residential care facilities and assisted living facilities

administrative, personnel, and resident care requirements for assisted living facilities; 19 CSR 30-86.047; 4/15/08

construction standards; 19 CSR 30-86.012; 4/15/08

fire safety standards; 19 CSR 30-86.022; 4/15/08

physical plant requirements; 19 CSR 30-86.032; 4/15/08

standards and requirements for assisted living facilities

which provide services to residents with a physical, cognitive, or other impairment that prevents the individual from safely evacuating the facility with minimal assistance; 19 CSR 3086.045; 4/15/08

training program for nursing assistants

certified medication technician training program; 19 CSR 30-84.020; 4/15/08

level I medication aide; 19 CSR 30-84.030; 4/15/08

HIGHER EDUCATION

out-of-state public institutions; 6 CSR 10-10.010; 1/16/08, 5/1/08

posting of consumer information; 6 CSR 10-9.010; 12/3/07, 4/15/08

HIGHWAY SAFETY DIVISION

breath alcohol ignition interlock
approval procedure; 11 CSR 60-2.020 (*changed to 7 CSR 60-2.020*); 4/1/08
breath alcohol ignition interlock device security; 11 CSR 60-2.050 (*changed to 7 CSR 60-2.050*); 4/1/08
definitions; 11 CSR 60-2.010 (*changed to 7 CSR 60-2.010*); 4/1/08
responsibilities of authorized service providers; 11 CSR 60-2.040 (*changed to 7 CSR 60-2.040*); 4/1/08
standards and specifications; 11 CSR 60-2.030 (*changed to 7 CSR 60-2.030*); 4/1/08
suspension, or revocation of approval of a device; 11 CSR 60-2.060 (*changed to 7 CSR 60-2.060*); 4/1/08
motorcycle safety education program
approved motorcycle training course; 11 CSR 60-1.060 (*changed to 7 CSR 60-1.060*); 4/1/08
definitions; 11 CSR 60-1.010 (*changed to 7 CSR 60-1.010*); 4/1/08
motorcycle instructor; 11 CSR 60-1.030 (*changed to 7 CSR 60-1.030*); 4/1/08
motorcycle requirements; 11 CSR 60-1.070 (*changed to 7 CSR 60-1.070*); 4/1/08
notice and hearing requirements; 11 CSR 60-1.080 (*changed to 7 CSR 60-1.080*); 4/1/08
program sponsor; 11 CSR 60-1.020 (*changed to 7 CSR 60-1.020*); 4/1/08
quality assurance visits; 11 CSR 60-1.100 (*changed to 7 CSR 60-1.100*); 4/1/08
sponsor pre-suspension notification; 11 CSR 60-1.110 (*changed to 7 CSR 60-1.110*); 4/1/08
sponsor suspension; 11 CSR 60-1.090 (*changed to 7 CSR 60-1.090*); 4/1/08
student admission requirements; 11 CSR 60-1.040 (*changed to 7 CSR 60-1.040*); 4/1/08
verification of course completion; 11 CSR 60-1.050 (*changed to 7 CSR 60-1.050*); 4/1/08

HIGHWAYS AND TRANSPORTATION COMMISSION

signs
nonconforming; 7 CSR 10-6.060; 12/17/07, 4/15/08
skill performance evaluation certificates for commercial drivers; 7 CSR 10-25.010; 4/15/08, 5/1/08, 5/15/08

HOSPITALS

unlicensed assistive personnel; 19 CSR 30-20.125; 3/3/08

INSURANCE

disaster response plan
command post task group; 20 CSR 10-4.200; 11/15/07, 4/1/08
consumer information hotline task group; 20 CSR 10-4.300; 11/15/07, 4/1/08
media relations task group; 20 CSR 10-4.400; 11/15/07, 4/1/08
national response task group; 20 CSR 10-4.500; 11/15/07, 4/1/08
standing committee; 20 CSR 10-4.100; 11/15/07, 4/1/08
discount medical plans
net worth requirements; 20 CSR 200-19.060; 12/3/07, 5/15/08
registration; 20 CSR 200-19.050; 12/3/07, 5/15/08
scope and definitions; 20 CSR 200-19.020; 12/3/07, 5/15/08
health
actual payment as basis; 20 CSR 400-2.065; 12/3/07, 6/2/08
health care consumer procedures
grievance review procedures; 20 CSR 100-5.020; 12/3/07, 6/2/08
notice requirements; 20 CSR 100-5.010; 12/3/07, 6/2/08
hearings
answers, supplementary pleadings; 20 CSR 800-1.060; 10/15/07, 4/1/08

conferences, prehearing; 20 CSR 800-1.070; 10/15/07, 4/1/08
definitions; 20 CSR 800-3.010; 10/15/07, 4/1/08
discovery; 20 CSR 800-1.080; 10/15/07, 4/1/08
initiating hearing before the director; 20 CSR 800-1.030; 10/15/07, 4/1/08
intervention, joinder, consolidation, severance; 20 CSR 800-1.120; 10/15/07, 4/1/08
mergers, acquisitions
hearing officers; 20 CSR 800-3.040; 10/15/07, 4/1/08
procedures; 20 CSR 800-3.020; 10/15/07, 4/1/08
motions, suggestions, legal briefs; 20 CSR 800-1.110; 10/15/07, 4/1/08
notice of hearing; 20 CSR 800-1.050; 10/15/07, 4/1/08
officers; 20 CSR 800-1.130; 10/15/07, 4/1/08
procedures
administrative hearing; 20 CSR 800-1.100; 10/15/07, 4/1/08
general; 20 CSR 800-1.040; 10/15/07, 4/1/08
public hearing; 20 CSR 800-1.140; 10/15/07, 4/1/08
scope, definitions; 20 CSR 800-1.010; 10/15/07, 4/1/08
service of process; 20 CSR 800-2.010; 10/15/07, 4/1/08
subpoenas; 20 CSR 800-1.090; 10/15/07, 4/1/08
who may request; 20 CSR 800-1.020; 10/15/07, 4/1/08
insurance licensing
applications for license; 20 CSR 700-8.100; 3/3/08
continuing education; 20 CSR 700-8.160; 3/3/08
examination requirements; 20 CSR 700-8.150; 3/3/08
scope and definitions; 20 CSR 700-8.005; 3/3/08
insurance solvency and company regulation
captive insurance companies
admission; 20 CSR 200-20.030; 12/17/07, 5/15/08
approved forms; 20 CSR 200-20.020; 12/17/07, 5/15/08
financial requirements; 20 CSR 200-20.040; 12/17/07, 5/15/08
management and control; 20 CSR 200-20.050; 12/17/07, 5/15/08
revocation, suspension, or rescission of company authority; 20 CSR 200-20.060; 12/17/07, 5/15/08
scope and definitions; 20 CSR 200-20.010; 12/17/07, 5/15/08
service contracts
faithful performance of a motor vehicle extended service contract provider's obligations; 20 CSR 200-18.020; 3/3/08
faithful performance of a motor vehicle extended service contract provider's obligations (non-motor vehicle); 20 CSR 200-18.110; 3/3/08
registration of motor vehicle extended service contract providers; 20 CSR 200-18.010; 3/3/08
registration of motor vehicle extended service contract providers (non-motor vehicle); 20 CSR 200-18.120; 3/3/08
surplus lines
surplus lines insurance forms; 20 CSR 200-6.100; 6/16/08
insurer conduct
general
definitions; 20 CSR 100-4.010; 12/3/07, 6/2/08
forms; 20 CSR 100-4.030; 12/3/07, 6/2/08
NAIC handbooks and standards; 20 CSR 100-4.020; 12/3/07
required responses; 20 CSR 100-4.100; 12/3/07, 6/2/08
market conduct
analysis
scope and definitions; 20 CSR 100-7.002; 5/1/08
uniform analysis and continuum of actions; 20 CSR 100-7.005; 5/1/08
examinations
collaborative actions; 20 CSR 100-8.014; 5/1/08
contract examiners; 20 CSR 100-8.017; 5/1/08
examination procedures; 20 CSR 100-8.016; 5/1/08
examination warrants; 20 CSR 100-8.005; 5/1/08
hearing on warrant; 20 CSR 100-8.008; 5/1/08
notice of examination; 20 CSR 100-8.015; 5/1/08

- post-examination procedure; 20 CSR 100-8.018; 5/1/08
- scope and definitions; 20 CSR 100-8.002; 5/1/08
- timing of examinations; 20 CSR 100-8.012; 5/1/08
- internal affairs
 - confidentiality; 20 CSR 10-3.100; 11/15/07, 4/1/08
 - conflict of interest; 20 CSR 10-3.300; 11/15/07, 4/1/08
 - executive orders, supplementary; 20 CSR 10-3.900; 11/15/07, 4/1/08
 - gratuities; 20 CSR 10-3.200; 11/15/07, 4/1/08
- licensing
 - bail bond agents and surety recovery agents
 - affidavits; 20 CSR 700-6.300; 1/2/08, 6/16/08
 - applications, fees, and renewals; 20 CSR 700-6.100; 1/2/08, 6/16/08
 - assignment and acknowledgement; 20 CSR 700-6.200; 1/2/08, 6/16/08
 - assignment of additional assets; 20 CSR 700-6.250; 1/2/08, 6/16/08
 - change of status notification; 20 CSR 700-6.170; 1/2/08, 6/16/08
 - continuing education; 20 CSR 700-6.160; 1/2/08, 6/16/08
 - initial basic training; 20 CSR 700-6.150; 1/2/08, 6/16/08
 - educational requirements
 - continuing education; 20 CSR 700-3.200; 1/2/08, 6/16/08
 - producers
 - activities requiring licensure; 20 CSR 700-1.020; 1/2/08, 6/16/08
 - certification letters submitted with applications; 20 CSR 700-1.030; 1/2/08, 6/16/08
 - clearance letters; 20 CSR 700-1.040; 1/2/08, 6/16/08
 - conduct of the business of insurance over the Internet; 20 CSR 700-1.025; 1/2/08, 6/16/08
 - examination and licensing procedures and standards; 20 CSR 700-1.010; 1/2/08, 6/16/08
 - licensing of business entity; 20 CSR 700-1.110; 1/2/08, 6/16/08
 - minimum standards of competency and trustworthiness; 20 CSR 700-1.140; 1/2/08, 6/16/08, 6/16/08
 - producer service agreements; 20 CSR 700-1.100; 1/2/08, 6/16/08
 - recommendations of long-term care; 20 CSR 700-1.152; 1/2/08, 6/16/08
 - recommendations to customers; 20 CSR 700-1.146; 1/2/08, 6/16/08
 - reasonable supervision in annuity sales; 20 CSR 700-1.148; 1/2/08, 6/2/08, 6/2/08
 - reasonable supervision in variable life and annuity sales; 20 CSR 700-1.147; 1/2/08, 6/16/08
 - scope and definitions; 20 CSR 700-1.005; 1/2/08, 6/16/08
 - standards of commercial honor and principles of trade in variable life and annuity sales; 20 CSR 700-1.145; 1/2/08, 6/16/08
 - variable life and annuity contract examination; 20 CSR 700-1.012; 1/2/08, 6/16/08
 - public adjusters and public adjuster solicitors
 - public adjusters; 20 CSR 700-2.100; 1/2/08, 6/16/08
 - contracts; 20 CSR 700-2.300; 1/2/08, 6/16/08
 - scope and definitions; 20 CSR 700-2.005; 1/2/08, 6/16/08
 - reinsurance intermediary; 20 CSR 700-7.100; 1/2/08, 6/16/08
 - utilization review; 20 CSR 700-4.100; 1/2/08, 6/16/08
 - life, annuities, and health
 - advertising and material disclosures
 - deceptive or unfair military sales practices; 20 CSR 400-5.310; 12/17/07, 5/15/08
 - scope and definitions for military sales practices regulation; 20 CSR 400-5.305; 12/17/07, 5/15/08
 - long-term care
 - general instructions; 20 CSR 400-4.050; 12/17/07, 6/2/08
 - long-term care insurance; 20 CSR 400-4.100; 12/17/07, 6/2/08
 - producer training and continuing education; 20 CSR 400-4.120; 12/17/07, 6/2/08
 - qualified long-term care partnership program; 20 CSR 400-4.110; 12/17/07, 6/2/08
 - standard form to establish credentials; 20 CSR 400-7.180; 6/16/08
 - market conduct analysis
 - insurer records retention; 20 CSR 100-8.040; 12/3/07, 1/2/08, 6/2/08
 - sampling and error rates; 20 CSR 100-8.020; 12/3/07, 1/2/08, 6/2/08
 - standards of analysis; 20 CSR 100-7.010; 12/3/07, 1/2/08, 6/2/08
 - standards of examination; 20 CSR 100-8.010; 12/3/07, 1/2/08, 6/2/08
 - medical malpractice
 - award; 20 CSR; 3/15/07
 - statistical data reporting; 20 CSR 600-1.030; 7/2/07
 - organization; 20 CSR 10-1.010; 11/15/07, 4/1/08
 - privacy of financial information; 20 CSR 100-6.100; 12/3/07, 6/2/08
 - property and casualty
 - affiliated business arrangements; 20 CSR 500-7.070; 3/3/08
 - disclosure of coverage limitation; 20 CSR 500-7.060; 3/3/08
 - disclosure of premiums and charges; 20 CSR 500-7.050; 3/3/08
 - general instructions; 20 CSR 500-7.030; 3/3/08
 - insurance and closing protection form filings; 20 CSR 500-7.130; 3/3/08
 - rate schedules; 20 CSR 500-7.100; 3/3/08
 - scope and definitions; 20 CSR 500-7.020; 3/3/08
 - special circumstances for policy delay; 20 CSR 500-7.090; 3/3/08
 - standards for policy issuance; 20 CSR 500-7.200; 3/3/08
 - referenced or adopted materials; 20 CSR 10-1.020; 11/15/07, 4/1/08
 - sunshine rules
 - custodian of records; 20 CSR 10-2.100; 11/15/07, 4/1/08
 - meetings; 20 CSR 10-2.300; 11/15/07, 4/1/08
 - records; 20 CSR 10-2.400; 11/15/07, 4/1/08
 - release of information; 20 CSR 10-2.200; 11/15/07, 4/1/08
 - votes; 20 CSR 10-2.500; 11/15/07, 4/1/08
 - unfair claims settlement practices
 - claims
 - public adjusters, solicitors; 20 CSR 100-1.100; 12/3/07, 6/2/08
 - when premiums paid; 20 CSR 100-1.200; 12/3/07, 6/2/08
 - definitions; 20 CSR 100-1.010; 12/3/07, 6/2/08
 - fraud investigation reports; 20 CSR 100-3.100; 12/3/07, 6/2/08
 - investigation of claims; 20 CSR 100-1.040; 12/3/07, 6/2/08
 - misrepresentation of policy provisions; 20 CSR 100-1.020; 12/3/07, 6/2/08
 - settlement of claims; 20 CSR 100-1.050; 12/3/07, 6/2/08
 - unfair trade practices
 - actual payment, basis for policy, plan calculation; 20 CSR 100-2.300; 12/3/07, 6/2/08
 - blindness or impairment; 20 CSR 100-2.200; 12/3/07, 6/2/08
 - financial planning; 20 CSR 100-2.100; 12/3/07, 6/2/08

INTERPRETERS, MISSOURI STATE COMMITTEE OF
general principles; 20 CSR 2232-3.010; 1/16/08, 5/1/08
mentorship; 20 CSR 2232-3.030; 1/16/08, 5/1/08

MARITAL AND FAMILY THERAPISTS
licensure requirements
 - application for licensure; 20 CSR 2233-2.030; 12/17/07, 4/1/08
 - educational requirements; 20 CSR 2233-2.010; 12/17/07, 4/1/08
 - examination requirements; 20 CSR 2233-2.040; 12/17/07, 4/1/08
 - registered supervisors and supervisory responsibilities; 20 CSR 2233-2.021; 12/17/07, 4/1/08
 - renewal of license; 20 CSR 2233-2.050; 12/17/07, 4/1/08

supervised marital and family work experience; 20 CSR 2233-2.020; 12/17/07, 4/1/08

MEDICAL SERVICES, DIVISION OF

grant to trauma hospital; 13 CSR 70-15.180; 7/16/07
reimbursement

HIV services; 13 CSR 70-10.080; 10/15/07
nursing services; 13 CSR 70-10.015; 10/15/07

Title XIX

claims, false or fraudulent; 13 CSR 70-3.030; 5/1/07

MISSOURI CONSOLIDATED HEALTH CARE PLAN

plan options

definitions; 22 CSR 10-2.010; 2/1/08, 5/15/08
subscriber agreement and general membership provisions; 22 CSR 10-2.020; 2/1/08, 5/15/08

public entity membership

definitions; 22 CSR 10-3.010; 2/1/08, 5/15/08
subscriber agreement and general membership provisions; 22 CSR 10-3.020; 2/1/08, 5/15/08

MO HEALTHNET

adult day health care program; 13 CSR 70-92.010; 1/16/08, 6/2/08
filing of claims; 13 CSR 70-3.100; 2/1/08, 5/15/08

health insurance premium payment (HIPP); 13 CSR 70-97.010; 3/3/08

hearing aid program; 13 CSR 70-45.010; 4/15/08

hospital program

procedures for admission certification, continued stay review, and validation of hospital admissions; 13 CSR 70-15.020; 3/3/08

insure Missouri; 13 CSR 70-4.120; 2/15/08

medicaid managed care organization reimbursement allowance; 13 CSR 70-3.170; 4/15/08

nonemergency medical transportation (NEMT); 13 CSR 70-5.010; 3/3/08

private duty nursing; 13 CSR 70-95.010; 1/16/08, 5/15/08

state children's health insurance program; 13 CSR 70-4.080; 3/3/08

telehealth services; 13 CSR 70-3.190; 2/1/08

MOTOR VEHICLE DEALERS

dealer license plates/certificates of number; 12 CSR 10-26.060; 2/1/08, 5/15/08

license requirements for auctions, dealers, and manufacturers; 12 CSR 10-26.020; 2/1/08, 5/15/08

NURSING HOME ADMINISTRATORS, BOARD OF

disciplinary action; 19 CSR 73-2.090; 2/1/08

examination; 19 CSR 73-2.070; 2/1/08

fees; 19 CSR 73-2.015; 2/1/08

licensure

duplicate; 19 CSR 73-2.120; 2/1/08
emergency, temporary; 19 CSR 73-2.080; 2/1/08
inactive status; 19 CSR 73-2.053; 2/1/08
procedures and requirements of NHAs; 19 CSR 73-2.020; 2/1/08

reciprocity; 19 CSR 73-2.025; 2/1/08

renewal; 19 CSR 73-2.050; 2/1/08

expired license; 19 CSR 73-2.055; 2/1/08

retired status; 19 CSR 73-2.051; 2/1/08

public complaints; 19 CSR 73-2.085; 2/1/08

prescribed course of instruction and training; 19 CSR 73-2.031; 2/1/08

registration

training agencies and single offering providers; 19 CSR 73-2.060; 2/1/08

NURSING, STATE BOARD OF

fees; 20 CSR 2200-4.010; 4/1/08

MNIT

administrator; 20 CSR 2200-4.029; 3/17/08

board of directors/contractor duties; 20 CSR 2200-4.027; 3/17/08

confidentiality; 20 CSR 2200-4.028; 3/17/08

definitions; 20 CSR 2200-4.025; 3/17/08

membership and organization; 20 CSR 2200-4.026; 3/17/08

professional nursing

fees; 20 CSR 2200-4.010; 10/1/07, 1/16/08, 4/1/08

requirements for licensure; 20 CSR 2200-4.020; 4/1/08

OPTOMETRY, STATE BOARD OF

application for licensure; 20 CSR 2210-2.010; 1/16/08, 5/1/08

board member compensation; 20 CSR 2210-1.020; 1/16/08, 5/1/08

certification of optometrists to use pharmaceutical agents; 20 CSR 2210-2.080; 6/2/08

fees; 20 CSR 2210-2.070; 1/16/08, 5/1/08

general organization; 20 CSR 2210-1.010; 1/16/08, 5/1/08

license renewal; 20 CSR 2210-2.030; 1/16/08, 5/1/08

licensure by endorsement; 20 CSR 2210-2.011; 6/16/08

licensure by examination; 20 CSR 2210-2.020; 1/16/08, 5/1/08

professional conduct rules; 20 CSR 2210-2.060; 1/16/08, 5/1/08

professional optometric corporation; 20 CSR 2210-2.050; 1/16/08, 5/1/08

public complaint handling and disposition; 20 CSR 2210-2.040; 1/16/08, 5/1/08

PHARMACY, STATE BOARD OF

administration by medical prescription order; 20 CSR 2220-6.040; 6/2/08

administration of influenza vaccines; 20 CSR 2220-6.050; 12/3/07, 4/15/08

drug distributor

definitions and standards for drug wholesale and pharmacy distributors; 20 CSR 2220-5.030; 3/17/08

standards for operation for medical gas distributors; 20 CSR 2220-5.070; 3/17/08

educational and licensing requirements; 20 CSR 2220-2.030; 3/17/08

fingerprint requirements; 20 CSR 2220-2.450; 3/17/08

general fees; 20 CSR 2220-4.010; 3/17/08

pharmacy standards of operation; 20 CSR 2220-2.010; 3/17/08

temporary license; 20 CSR 2220-2.036; 3/17/08

transfer of prescription information for the purpose of refill; 20 CSR 2220-2.120; 3/17/08

return and reuse of drugs and devices; 20 CSR 2220-3.040; 3/17/08

sterile pharmaceuticals; 20 CSR 2220-2.200; 3/17/08

POLICE COMMISSIONERS, BOARDS OF

St. Louis

private security officers

authority; 17 CSR 20-2.065; 6/16/08

complaint/disciplinary procedures; 17 CSR 20-2.125; 6/16/08

definitions; 17 CSR 20-2.025; 6/16/08

drug testing; 17 CSR 20-2.135; 6/16/08

duties; 17 CSR 20-2.075; 6/16/08

licensing; 17 CSR 20-2.035; 6/16/08

uniforms; 17 CSR 20-2.085; 6/16/08

weapons; 17 CSR 20-2.105; 6/16/08

PROFESSIONAL REGISTRATION

designation of license renewal dates and related renewal information; 20 CSR 2231-2.010; 1/16/08, 5/1/08

general organization; 20 CSR 2231-1.010; 1/16/08, 5/1/08

PUBLIC DEFENDER SYSTEM, STATE

acceptance of cases and payment of private counsel litigation costs; 18 CSR 10-4.010; 2/1/08, 6/16/08

eligible cases; 18 CSR 10-2.010; 2/1/08, 6/16/08

PUBLIC SERVICE COMMISSION

electrical corporations

infrastructure standards; 4 CSR 240-23.020; 7/16/07, 1/2/08, 5/1/08

vegetation management standards, reporting; 4 CSR 240-23.030; 7/16/07, 1/2/08, 5/1/08

electric utilities

cost recovery mechanisms; 4 CSR 240-3.162; 12/3/07, 5/15/08

filing requirements and submissions; 4 CSR 240-20.091;
12/3/07, 5/15/08
system reliability monitoring and reporting submission
requirements; 4 CSR 240-23.010; 2/15/08, 6/16/08
filing and reporting requirements
small utility rate case procedures; 4 CSR 240-3.050;
12/17/07, 4/1/08
Missouri universal service fund
eligibility for funding-low-income customers and disabled
customers; 4 CSR 240-31.050; 1/2/08, 5/1/08
safety standards for electrical corporations, telecommunications
companies, and rural electric cooperatives; 4 CSR 240-
18.010; 6/16/08
telecommunication carriers
customer proprietary network information; 4 CSR 240-
33.160; 3/3/08

VETERINARY MEDICAL BOARD, MISSOURI

minimum standards
practice techniques; 20 CSR 2270-4.031; 5/1/08
medical records; 20 CSR 2270-4.041; 5/1/08

REAL ESTATE APPRAISERS

applications for certification and licensure; 20 CSR 2245-3.010;
5/1/08
case study courses; 20 CSR 2245-6.040; 5/1/08
continuing education
instructor approval; 20 CSR 2245-8.030; 5/1/08
requirements; 20 CSR 2245-8.010; 5/1/08
fees; 20 CSR 2045-1.010; 10/1/07;
20 CSR 2245-5.020; 12/17/07, 4/1/08
general organization; 20 CSR 2245-1.010; 12/17/07, 4/1/08
inactive status; 20 CSR 2245-4.025; 12/17/07, 4/1/08
trainee real estate appraiser registration; 20 CSR 2245-3.005;
12/17/07, 4/1/08

RETIREMENT SYSTEMS

county employees' retirement fund
rehires; 16 CSR 50-2.110; 2/1/08, 5/15/08

LAGERS

definitions; 16 CSR 20-2.010; 4/1/08
determination of certain allowances; 16 CSR 20-2.015; 4/1/08

SECURITIES, DIVISION OF

dishonest or unethical business practice
broker-dealers; 15 CSR 30-51.170; 5/1/08
investment advisers and investment adviser representatives;
15 CSR 30-51.172; 5/1/08
NASAA statement of policy; 15 CSR 30-52.030;
12/17/07, 4/1/08

SOIL AND WATER DISTRICTS

funds; 10 CSR 70-5.010; 11/1/07, 4/1/08
organization; 10 CSR 70-1.010; 11/1/07, 4/1/08

**SPEECH-LANGUAGE PATHOLOGISTS AND
AUDIOLOGISTS**

application for provisional licensure; 20 CSR 2150-4.055;
12/17/07, 4/1/08

**TATTOOING, BODY PIERCING AND BRANDING,
OFFICE OF**

fees; 20 CSR 2267-2.020; 6/16/08
licenses; 20 CSR 2267.010; 5/15/08

TAX COMMISSION, STATE

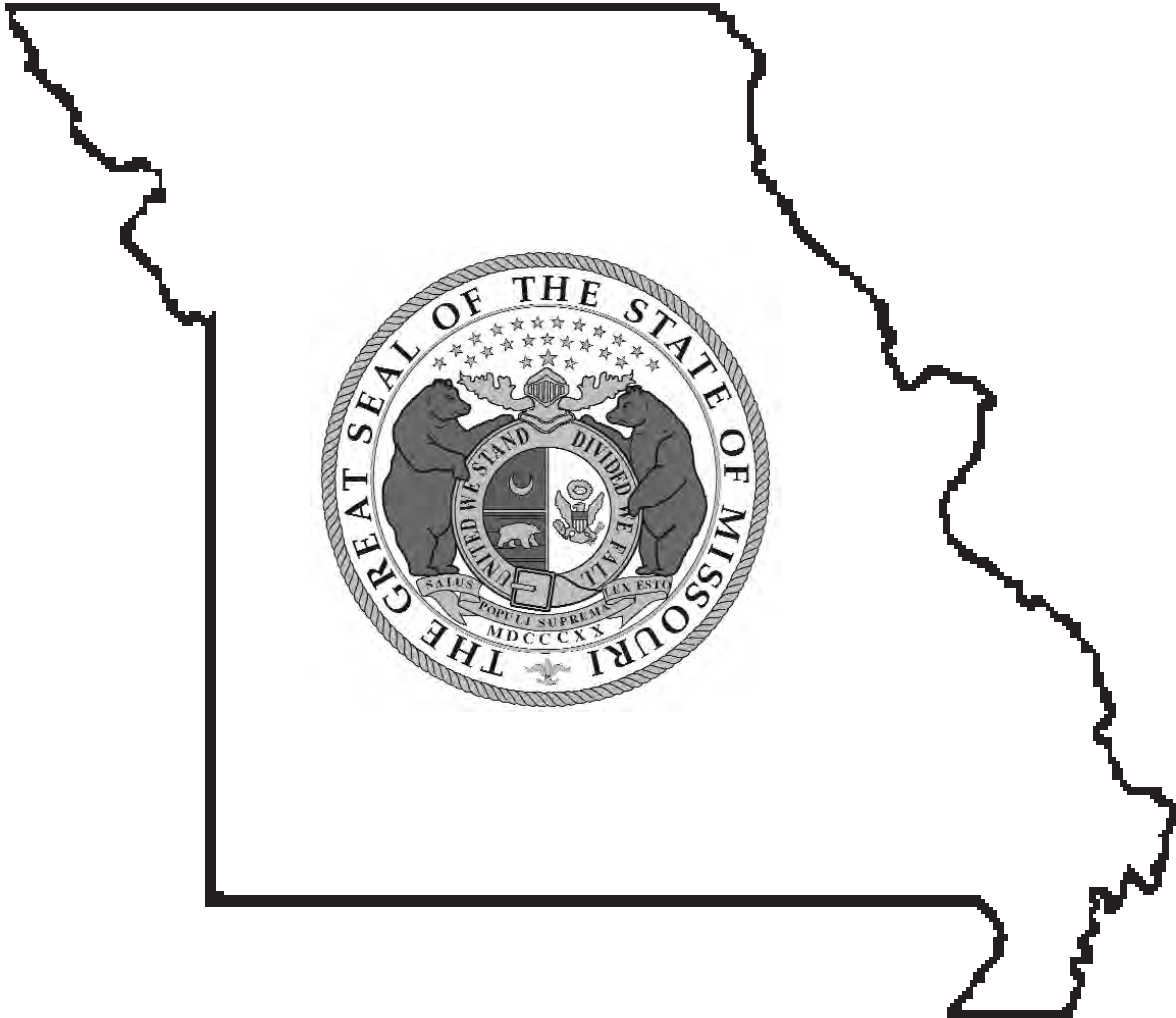
agricultural land productive values; 12 CSR 30-4.010; 2/1/08,
5/15/08
appeals from the local board of equalization; 12 CSR 30-3.010;
2/1/08, 5/15/08
general organization; 12 CSR 30-1.010; 2/1/08, 5/15/08
meetings and hearings; 12 CSR 30-1.020; 2/1/08, 5/15/08
original assessment and appeals; 12 CSR 30-2.021; 2/1/08, 5/15/08

TAX, MOTOR VEHICLE

regulation of boat dealer's certificate of number; 12 CSR 10-
23.395; 2/1/08, 5/15/08

RULEMAKING 1-2-3

DRAFTING AND STYLE MANUAL



ROBIN CARNAHAN
SECRETARY OF STATE

The Administrative Rules Division has copies of the Rulemaking Manual available for state agencies to assist in preparing all types of rulemakings.

For information about rule drafting classes call (573) 751-4015.

To Subscribe to the *Missouri Register*

SALUS POPULI SUPREMA LEX ESTO

*"The welfare of the people shall be the
supreme law."*



ROBIN CARNAHAN

SECRETARY OF STATE

MISSOURI
REGISTER

Contact us at: phone: (573) 751-4015 or email: rules@sos.mo.gov

ORDER FORM

- ☐ Enclosed is my check for \$56 as payment in advance for one year of the *Missouri Register*

Please start my subscription with the _____ issue.

Please make checks payable to: **Secretary of State** or alternatively call us to charge your credit card.

Mail to: ROBIN CARNAHAN
SECRETARY OF STATE
ADMINISTRATIVE RULES DIVISION
PO Box 1767
JEFFERSON CITY, MO 65102

Name or Firm (Please Type or Print)

Attn:

Address

City

State

Zip Code

Rulemaking Classes

Are you new to rulemaking or in need of a refresher course to assist you in filing rules?

Administrative Rules offers group and individual classes for rule drafting and preparation of rule packets. Please call 573 751-4015 or email rules@sos.mo.gov to sign up for a class.

Office of the Secretary of State

ROBIN CARNAHAN

6/16/08

ROBIN CARNAHAN

SECRETARY OF STATE

PO Box 1767

JEFFERSON CITY, MO 65102

Periodical
Postage Paid at
Jefferson City,
MO